

# **THE BROWNFIELDS REPORT UPDATE**

**PURSUANT TO CHAPTER 206 OF THE ACTS OF 1998**



**April 2002**

**Commonwealth of Massachusetts**



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**PREPARED BY**



**THE MASSACHUSETTS DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

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<b>Organization</b>	The Brownfields Report Update is patterned after the Brownfields 2000 Report that was submitted to the Legislature in June 2000. It contains seven sections that update information through February 28, 2002.
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<b><u>Section I:</u> Executive Summary</b>	Details the success of the Brownfields Act and its programs, and illustrates the need for additional funding to sustain the level of progress that has been made.
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<b><u>Section II:</u> Introduction</b>	Introduces the report and describes the Brownfields Act and its scope.
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<b><u>Section III:</u> Summary of Brownfields Incentives</b>	Provides brief summary descriptions of the liability endpoints, regulatory changes and financial incentives. Also describes government entities and boards established by the Brownfields Act.
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<b><u>Section IV:</u> Accomplishments at a Glance</b>	Highlights major accomplishments of each program over the past three years.
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<b><u>Section V:</u> Agency Summaries</b>	Describes progress of each agency responsible for administering the financial and regulatory programs.
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<b><u>Section VI:</u> Issues Resolved and Remaining</b>	Identifies issues that were outlined in the Brownfields 2000 Report that were resolved, and pinpoints those that still remain.
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<b><u>Section VII:</u> Appendix</b>	Includes backup material to support Sections IV and V including case studies, technical information releases and other relevant information.
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## I. EXECUTIVE SUMMARY

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### **The Brownfields Act**

The 1998 Brownfields Act provided new tools to help clean up and redevelop contaminated properties. After the Chapter 21E waste site cleanup program was privatized in 1993, the number of site cleanups completed annually in Massachusetts increased 14-fold. Nonetheless, both liability and financial barriers continued to discourage redevelopment of contaminated properties.

The Massachusetts Brownfields Act was designed to bring together state, local, and private entities to coordinate an array of resources to reclaim abandoned or underused contaminated properties. The Brownfields Act dedicated more than \$50 million to programs that provide financial and liability relief critical to tackling brownfields cleanup and redevelopment issues and recognizing environmental protection and economic development goals.

The Massachusetts Brownfields Act and associated incentives have been lauded for innovation and success and have been used as a model for other states and countries developing similar programs. **Continued Legislative support is critical to sustaining the high level of success that has resulted from the Act, and to broaden the programs' reach.**

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### **Brownfields Report Update Objective**

The Massachusetts Brownfields Act directed the Department of Environmental Protection (DEP) to coordinate a study that reviewed the status of the Act's implementation two years after its passage. In June of 2000 DEP submitted the Brownfields 2000 Report, "A Study of the Results and Financial Requirements of the Brownfields Act", to the Legislature. Information contained in the 2000 Report was somewhat limited because regulations and boards required by the Act had only recently been created.

Almost two years later, however, significant progress is evident: the results are impressive, and are a direct result of proactive agency technical assistance and program marketing. The Brownfields Report Update brings current the 2000 Report, highlighting successes that have occurred through February 28, 2002. Supporting information is located in the Appendix. The text references supporting Appendix material by denoting the Appendix page number (for example, "A-1" guides the reader to the first page of the Appendix).

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**Results of  
the  
Brownfields  
Report  
Update**

The program successes detailed in the Brownfields Report Update illustrate the Brownfields Act's far-reaching, positive impact on Massachusetts communities. Initially, some parts of program implementation were delayed due to the need for the creation of boards and regulations required by the Act; the 2000 Report reflected that limitation. However, since that time, the Commonwealth has reaped the results of a fully operational, integrated brownfields program. Its success has been substantial.

Concerted efforts of public, quasi-public, and private non-profit agencies that contribute to the state's integrated brownfields strategy have resulted in an impressive track record. Since the Brownfields Act was passed:

- **570 projects** have **received funding approval** and/or **direct project assistance**;
- **76 projects** are pending **in the pipeline**; and
- Partner agencies have provided **concerted outreach in more than 133 communities**.

Without the incentives and project assistance created through the Brownfields Act, projects like the Lowell Regional Transit Authority (LRTA) project, which transformed a derelict industrial site in an Economically Distressed Area (EDA) into the state's third largest transportation hub, would not have moved forward. The success of this project is directly attributable to the tools available through the Brownfields Act: liability protection, site assessment funding, subsidized environmental insurance coverage, and project support. The project brought more than 120 new jobs to Lowell and more than \$3.8 million a year in payroll dollars. Dozens of similar stories are described in the Appendix.

Identifying, cleaning up, and redeveloping brownfields sites is a slow process. While success is concrete and measurable, these programs have only begun to scratch the surface. As the Brownfields Report Update illustrates, partner agencies have been proactive in streamlining the process, marketing program incentives, and targeting potential users. Hundreds of projects have been initiated; however, hundreds of sites remain in need of assistance. A good base has been established, but continued funding is critical to sustain this momentum and broaden the programs' reach.

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**Issues  
Resolved  
and  
Remaining**

In the Brownfields 2000 Report issues were identified that needed to be resolved to improve program operation. One of these issues concerned the Brownfields Tax Credit Program, the limitations of which were subsequently addressed through the Legislature. As a result, more parties are using the Brownfields Tax Credit Program, often in combination with other financial incentives.

The Brownfields Report Update identifies other issues that have arisen through program operation. These include corrections to the Brownfields Redevelopment Access to Capital (BRAC) Program to expand insurance availability to other sources of capital. In addition, there are differing viewpoints regarding whether the bulk of state funding should be targeted at Economically Distressed Areas (EDAs).

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## II. INTRODUCTION

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### **Legislative Mandate**

Section 40 of Chapter 206 of the Acts of 1998 directs the Department of Environmental Protection (DEP) to consult with the Office of the Attorney General (OAG) and the Department of Economic Development (DED) to conduct a study of the results of the Brownfields Act (see Appendix A-1).

The Brownfields Act also required that this report address the Brownfields Act's financial requirements so that future bonding authorization could be secured for amounts sufficient to successfully continue the Brownfields Act's programs and initiatives.

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### **Status Report Scope**

The Brownfields Report Update describes the status of the programs created by the Brownfields Act through February 28, 2002. Some brownfields programs have been in existence longer than others, so some are more developed than others. This report includes information on the following programs:

- **Brownfields Covenant Not to Sue Program** (Massachusetts Office of the Attorney General);
- **Brownfields Redevelopment Access to Capital Program** (Massachusetts Business Development Corporation);
- **Brownfields Redevelopment Fund** (Massachusetts Development Finance Agency);
- **Brownfields Tax Credit Program** (Massachusetts Department of Revenue);
- **Federal Tax Incentive Program** (certifications provided by Massachusetts Department of Environmental Protection);
- **Governor's Office for Brownfields Revitalization** (Brownfields ombudsman); and
- **Waste Site Cleanup Program, including Activity and Use Limitation (AUL) Audit Program and Brownfields Technical Assistance** (Massachusetts Department of Environmental Protection).

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### III. SUMMARY OF BROWNFIELDS ACT INCENTIVES

The Brownfields Act established deadlines for agencies to create new **liability endpoints, regulations, financial incentives,** and **government offices and boards** to support the implementation and administration of programs created through the Massachusetts Brownfields Act.

**A. Liability Relief:** The Brownfields Act provided liability relief to encourage parties to undertake brownfields cleanup and redevelopment.

- “Eligible” Owners and Operators - [c. 21E, section 5c] Ends liability for eligible persons once they complete a cleanup in accordance with DEP’s cleanup standards for oil or hazardous material releases.
- Downgradient Property Owners and Operators - [c. 21E, section 5D] Provides an exemption for certain owners and operators from liability for contamination that has migrated onto their property from an off-site source.
- Tenants - [c. 21E, section 2] Exempts certain tenants from operator liability if their tenancy began after the release was reported to DEP and they did not cause or contribute to the contamination.
- Redevelopment Authorities and Community Development Corporations (CDC) - [c. 21E, section 2] Exempts certain redevelopment agencies and authorities, CDCs, and Economic Development and Industrial Corporations (EDICs) from liability for contaminated property acquired after August 5, 1998.
- Secured Lenders - [c. 21E, section 2] Establishes liability based on a causation standard and eliminates the 5-year limit on the exemption after the secured lender takes ownership or possession of the property.
- Governmental Bodies or Charitable Trusts – [c. 21E, section 2] Exempts governmental bodies or charitable trusts that hold property restrictions created for the public benefit pursuant to c.184, section 32 (conservation, agricultural preservation, watershed preservation, and affordable housing restrictions).



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- Activity and Use Limitations (AULs) - [c. 21E, section 6] Protects certain owners and operators from liability for future violations of the AUL.
  - Contribution Protection – [c. 21E, 3A(j)(2)] Clarifies the existing contribution protection provisions regarding notice and matters addressed in the settlement.
  - Brownfields Covenant Not to Sue - [c. 21E, section 3A(j)(3)] Establishes a “Brownfields Covenant Not To Sue” for parties who are redeveloping contaminated properties and do not qualify for the statutory liability relief described above.
  - Penalty – [c. 21A, Section 16] Increases penalties from \$1,000 to \$25,000 for failure to notify of oil releases, maintain a permanent solution or remedy operation status, or comply with the terms of an AUL.

**B. Regulatory Changes** - DEP promulgated regulations within one year as directed by the Brownfields Act. These regulatory changes were filed with the Secretary of State on August 6, 1999, and forwarded to the Joint Committee on Natural Resources and Agriculture on August 31, 1999, 60 days before their effective date of October 29, 1999. These regulatory changes include:

- Downgradient Property Status - [310 CMR 40.0006] Defines “known” and “unknown” sources as they relate to the Downgradient/Downstream property exemption and defense discussed above.
- Condition of Substantial Release Migration - [310 CMR 40.0006] Clarifies requirements for a condition of substantial release migration (SRM).
- Activity and Use Limitations - [310 CMR 40.1070 *et al*] Clarifies requirements for implementing AULs to ensure that they are prepared, recorded, and registered in the same manner as other real estate instruments.

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**C. Financial Incentives:** The Brownfields Act provided financial incentives for parties undertaking brownfields projects.

- Brownfields Redevelopment Access to Capital Program (BRAC) - [Section 32 of Chapter 206 of the Acts of 1998] Provides state subsidized environmental insurance to parties willing to purchase, cleanup, and develop brownfields sites anywhere in Massachusetts and to lenders who provide financing for such projects.
- Brownfields Redevelopment Fund (BRF) -[Section 37 of Chapter 206 of the Acts of 1998] Provides low-interest loans and grants for site assessment and cleanup in designated "Economically Distressed Areas" (EDAs).
- Brownfields Tax Credit Program - [Section 34 of Chapter 206 of the Acts of 1998] Provides a tax credit for up to 50% of response action costs upon the completion of cleanup of sites in eligible areas.

**D. New Government Entities and Boards:** The Brownfields Act created new government offices and boards to assist in the implementation and administration of brownfields tools and programs.

- The Brownfields Advisory Group - [Section 37 (I) Chapter 206 of the Acts of 1998] The Brownfields Advisory Group was created to advise and assist the Massachusetts Development Finance Agency (MassDevelopment) in establishing guidelines for implementing and administering the Brownfields Redevelopment Fund.
- The Governor's Office for Brownfields Revitalization (GOBR) - [c. 21E, section 19] The Governor's Office for Brownfields Revitalization was created to help accelerate the pace of cleanup and reuse of contaminated industrial and commercial properties by assisting in the development of a statewide brownfields strategy.

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#### IV. ACCOMPLISHMENTS AT A GLANCE

<b>What's Happened Over the Past Three Years?</b>	The implementation of the 1998 Brownfields Act has resulted in significant progress toward reclaiming derelict brownfields sites. Since the Brownfields 2000 Report was issued, the programs created by the Brownfields Act have achieved a high level of operation. This table summarizes major accomplishments of each program as of February 28, 2002. More detail is presented in the agency updates provided in the Appendix.
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##### The Brownfields Act:

##### Accomplishments:

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| <ul style="list-style-type: none"><li>• Authorized the Office of the Attorney General to create a <b>Brownfields Covenant Not to Sue (CNTS) Program</b>. The program can give causally responsible parties broader liability relief than what is available under Chapter 21E.</li></ul> | <ul style="list-style-type: none"><li>• The Attorney General promulgated regulations in October 1999. As of February 28, 2002:<ul style="list-style-type: none"><li>○ <b>4 covenants</b> were negotiated and fully executed;</li><li>○ <b>20 applications</b> were received and reviewed;</li><li>○ More than <b>150 potential redevelopment projects</b> were assisted; and</li><li>○ Developed and launched a <b>Municipal Brownfields Grant Program</b>.</li></ul></li></ul> |
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The Brownfields Act:	Accomplishments:
<ul style="list-style-type: none"><li>Established the <b>\$15 million Brownfields Redevelopment Access to Capital (BRAC) Fund</b>. The program, administered by the Massachusetts Business Development Corporation (MassBusiness), encourages private sector loans in support of brownfields cleanup and development projects. Fund assets are used to subsidize insurance premiums, pay deductibles and fund excess cleanup costs.</li></ul>	<ul style="list-style-type: none"><li>The BRAC Program began operating in October 1999. As of February 28, 2002:<ul style="list-style-type: none"><li><b>57 financial institutions</b> were <b>enrolled</b> as participants in the program;</li><li><b>91 cleanup/development projects</b> were <b>completed</b> with the support of environmental insurance provided under the program;</li><li><b>23 additional applications</b> have been approved with binding pending;</li><li>Approximately <b>30 additional projects</b> are in the <b>application stage</b>; and</li><li>An <b>average of 6 new applications</b> for insurance are <b>received each week</b>.</li></ul></li><li>The BRAC program is <b>the first of its kind in the nation</b>. Wisconsin has already used BRAC as a model for a similar program, and six other states are in the process of adopting environmental insurance programs based on the BRAC model.</li></ul>

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<b>The Brownfields Act:</b>	<b>Accomplishments:</b>
<ul style="list-style-type: none"><li>• Created a <b>\$30 million Brownfields Redevelopment Fund (BRF)</b> to be distributed by the Massachusetts Development Finance Agency (MassDevelopment) in grants and loans for assessing and cleaning up eligible properties.</li></ul>	<ul style="list-style-type: none"><li>• This fund began operating in February 2000. As of February 28, 2002, MassDevelopment approved funding for:<ul style="list-style-type: none"><li>○ <b>198 site assessments</b> totaling <b>\$6.7 million</b>; and</li><li>○ <b>22 remediation loans</b> totaling <b>\$6.4 million</b>.</li></ul></li><li>• This funding targets viable redevelopment projects that will deliver significant economic impacts, including <b>job creation and neighborhood revitalization</b>.</li><li>• Another <b>77 active projects</b> are in the assessment and remediation loan pipeline.</li></ul>

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<b>The Brownfields Act:</b>	<b>Accomplishments:</b>
<ul style="list-style-type: none"><li>• Created a <b>Brownfields Tax Credit Program</b> as a financial incentive administered by the Department of Revenue (DOR) to promote private sector cleanups.</li></ul>	<ul style="list-style-type: none"><li>• The program provides for a <b>25 to 50 percent tax credit for certain cleanups</b> that occur in designated Economic Development Areas (EDAs).</li><li>• DOR has:<ul style="list-style-type: none"><li>○ Issued <b>2 Technical Information Releases (TIRs)</b> on the Tax Credit Program in August 1999 and August 2000; and</li><li>○ With state partners, supported the passage of Chapter 159 of the Acts of 2000 that <b>extended program timeframes</b> and <b>broadened program availability</b> to parties receiving other state financial assistance.</li></ul></li><li>• DOR is not able to comprehensively track the number of taxpayers using this program.</li></ul>

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The Brownfields Act:	Accomplishments:
<ul style="list-style-type: none"><li>Established the <b>Governor’s Office for Brownfields Revitalization</b> that coordinates brownfields efforts within the executive branch.</li></ul>	<ul style="list-style-type: none"><li>Produced and distributed detailed marketing materials to more than <b>10,000 targeted individuals and entities</b> including real estate professionals, accountants, lawyers, developers, lenders, economic development officials, state, federal and local elected and appointed officials, academic institutions, and trade associations.</li><li>Made <b>presentations</b> to associations with more than <b>3,000 attendees</b>.</li><li>Wrote and launched the <b>nation’s most comprehensive brownfields website</b> – <a href="http://massbrownfields.state.ma.us">massbrownfields.state.ma.us</a> which has provided information and resources to over <b>14,000 visitors</b> in the first nine months.</li><li>Provided <b>direct assistance</b> to approximately 100 projects across the Commonwealth.</li></ul>

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**The Brownfields Act:****Accomplishments:**

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- Contained a **municipal tax abatement provision** that allows any municipality that adopts it to negotiate outstanding tax obligations on contaminated properties in exchange for a commitment to cleanup and redevelopment.
  - DOR has been informed that at least **12 communities** have adopted this provision.
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The Brownfields Act:	Accomplishments
<ul style="list-style-type: none"><li>• <b>Additional activities undertaken by DEP</b> since the Brownfields Act was passed.</li></ul>	<ul style="list-style-type: none"><li>• As of February 28, 2002:<ul style="list-style-type: none"><li>○ <b>216 comprehensive audits</b> were <b>completed</b>;</li><li>○ <b>Thousands of site inspections</b> have been <b>conducted</b>; and</li><li>○ More than <b>1400 initial reviews</b> have been <b>completed</b>.</li></ul></li><li>• DEP has <b>developed technical and professional training programs</b> for DEP staff and LSPs.</li><li>• Brownfields points-of-contact were established in DEP Boston and regional offices. This staff has provided proactive <b>technical assistance</b> and <b>project facilitation</b> to more than <b>235 projects</b> in <b>108 communities</b>.</li></ul>
	<ul style="list-style-type: none"><li>• Mandated <b>new waste site cleanup regulations</b> through the Department of Environmental Protection (DEP) necessary to implement the Brownfields Act within one year of passage</li><li>• DEP promulgated regulations in August 1999, which became effective in October 1999.</li></ul>

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## V. AGENCY SUMMARIES

When the Brownfields 2000 Report was developed, several incentives established by the Brownfields Act had only recently begun operating and therefore quantifiable data was limited. Almost two years later, these programs are fully operational and results show their success.

Each agency responsible for implementing the Brownfields Act's financial initiatives has provided update summaries that describe their experience in implementing the brownfields tools. These summaries provide some "real time" insight about how these programs are working to produce environmental and economic gains in cities and towns throughout the Commonwealth. Extensive case studies and project lists found in the Appendix support these narratives.

Agency summaries are organized alphabetically according to program.

- **Covenant Not to Sue (CNTS) Program – Massachusetts Office of the Attorney General (OAG)**

### Program Description

The Brownfields Covenant Not to Sue (CNTS) Program is a liability relief program that was appropriated \$2 million by the Legislature for costs associated with operation. The Brownfields CNTS Program provides liability relief to owners and operators of contaminated properties interested in cleanup and redevelopment opportunities not addressed by the liability endpoints established in other provisions of Chapter 21E.

The Commonwealth may enter into agreements that provide individually tailored liability relief to current or prospective owners or operators. This program is directly available to causally responsible parties. The Brownfields CNTS Program is intended to offer broader eligibility and increased flexibility to provide incentive for the cleanup and re-use of those complex or difficult sites where redevelopment would not otherwise be possible. There are no geographical restrictions for this program; however, priority is given to sites located in the 15 cities with the highest poverty rates.

### Program Administration

The Massachusetts Office of the Attorney General administers the Brownfields CNTS Program under Chapter 21E, as amended.

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## Program Background

The Office of the Attorney General promulgated regulations to implement the program, which can be found at 940 CMR 23.00: Criteria for When to Execute Brownfields Covenant Not to Sue Agreements. These regulations, promulgated under emergency authority in April 1999, and effective August 3, 1999, were written in consultation with a diverse group representing legal, environmental, and economic interests, and relevant state agencies.

## Program Activity:

### *Covenant Not to Sue Program*

The Brownfields CNTS Program has operated since October 1999. As of February 28, 2002, the Office of the Attorney General has received and reviewed 25 applications, and has had inquiries and requests for assistance involving more than 150 potential redevelopment opportunities.

The Office of the Attorney General has negotiated and fully executed seven CNTS, one each in Fitchburg, Newburyport and Roxbury, and four in Lowell. While these covenants are similar because they involve the cleanup of abandoned manufacturing facilities, the redevelopment projects themselves are quite different. They include:

- The redevelopment of a 14 acre parcel into 300,000 square feet of industrial/commercial office space in Fitchburg;
- The redevelopment of a less than an acre parcel that will eventually contain eight housing units in Newburyport;
- A bus maintenance facility redevelopment as part of the upgrade of a regional transportation network in Lowell;
- Expansion of an electric generating facility using state-of-the-art emissions control technology at a site in Lowell that abuts a Superfund site;
- The cleanup of a former tap and die plant site that will allow a 14-acre property in Greenfield to be redeveloped for commercial, light industrial, and/or housing;
- The cleanup of a former auto body repair shop in Roxbury that will be redeveloped into a commercial, retail and housing development; and
- The cleanup of a former oil depot in Lowell that will be redeveloped as 6 to 12 residential housing units, a portion of which will be affordable housing.

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Prospective developers have described other redevelopment projects that could lead to creation of more than 2,500 jobs, involving more than 100 acres of land and potentially 2 million square feet of commercial space. Other redevelopment efforts would create more than 100 additional housing units, including significant affordable housing and open space opportunities.

In many instances, the Office of the Attorney General has encouraged cleanup and redevelopment projects to proceed by explaining to interested parties that the statutory relief should be sufficient liability protection and that a Brownfields CNTS would not be necessary. The Office of the Attorney General has also conducted outreach activities throughout the state to educate interested parties about the benefits of the Brownfields CNTS Program.

The program is also pursuing several initiatives to encourage eligible brownfields redevelopment projects that create new, permanent jobs, affordable housing benefits, open space revitalization, and historic preservation, among other public benefits. Although it is still early in the program, the typical project involves existing industrial and commercial 21E and/or federal Superfund sites. Many program inquiries concern cities with high poverty rates that are located in Economically Distressed Areas (EDAs). CNTS case studies are included in the Appendix (A-26).

#### *Municipal Brownfields Grant Program*

To assist in the operation of the CNTS Program, the Office of the Attorney General has set aside funds to be used by municipalities in Massachusetts to revitalize brownfields sites. The Office of the Attorney General developed and launched the Municipal Brownfields Grant Program to encourage the cleanup and redevelopment of brownfields sites. The Office of the Attorney General mailed grant application packages to each Massachusetts municipality in February 2002. Applications were due in March 2002; awards are anticipated in April 2002.

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Grants may be used to help defray costs associated with obtaining technical or other relevant assistance in connection with the following:

- **Comprehensive Redevelopment Planning:** Grants are available to help defray costs incurred in the development of sustainable redevelopment plans. Eligible activities include pre-construction, reuse analysis, site planning, and architectural design. This will allow program participants to determine the scope and feasibility of a brownfields project.
- **Open Space Creation and Revitalization Activities:** Grants are available to help defray costs associated with participation in the CNTS Program. Eligible activities include assistance with on-site investigation as to the nature and extent of environmental contamination, and assistance with open space enhancement.
- **Brownfields CNTS Application Activities:** Grants are available to help defray costs associated with applying for a Brownfields CNTS. Transaction costs, legal fees, mapping and or Geographic Information System (GIS) costs, and technical assistance expenses related to the CNTS are eligible under the grant program.

Potential Purchasers – Contamination Assessment Study - [Section 42 of Chapter 206 of the Acts of 1998]

On February 28, 2000, the Office of Attorney General (in collaboration with the Department of Environmental Protection, the Office for Brownfields Revitalization, and Department of Economic Development) submitted a study to the Legislature that examined incentives for landowners to permit potential purchasers to assess their property for contamination.

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- **Brownfields Redevelopment Access to Capital (BRAC) Program -- MassBusiness**

#### Program Description

The Brownfields Redevelopment Access to Capital (BRAC) Program is a \$15 million fund that provides pre-negotiated, volume discounted, state subsidized environmental insurance to parties willing to purchase, remediate and/or develop brownfields sites anywhere in Massachusetts and to lenders who provide financing for such projects. Program assets are available to pay insurance premiums, pay excess deductibles, provide loan guarantees and pay cleanup costs in the event a remediation project is not completed.

The BRAC Program reduces or eliminates the environmental risk normally associated with brownfields development projects, thereby acting as a catalyst in bringing private sector loan funding to environmental cleanup/development projects around the state. There are no geographical restrictions for this program.

#### Program Administration

The BRAC Program's enabling legislation named the Massachusetts Business Development Corporation (MassBusiness) as an agent for the Department of Economic Development (DED) in developing, implementing, and administering the program.

#### Program Background

Contracts were executed between MassBusiness and DED in February of 1999. Over the following seven months MassBusiness, working with DED and the Massachusetts Office of Business Development (MOBD), completed the selection process for an insurance carrier for the BRAC Program, negotiated custom manuscript policy language and pricing, developed Participation Agreements and enrolled lenders in the program. Upon completion of this developmental work, the BRAC Program was officially launched in October of 1999.

#### Program Activity

Between October 1999, when BRAC was initiated, and February 28, 2002, 90 brownfields cleanup/development projects were completed in 56 communities around the state using BRAC insurance. 126 separate insurance policies have been written under the program. This represents over \$330 million of total environmental insurance protecting participating financial institutions, borrowers and developers from unexpected environmental costs associated with the remediation and development of brownfields sites. As a result, over \$24 million in privately funded environmental cleanup projects were undertaken across the state.

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The availability of this cost-effective insurance has been instrumental in leveraging more than \$670 million in private sector loan and investment funding into brownfields cleanup and development projects. In addition to returning a number of abandoned and underutilized properties to the tax rolls, cleaning up and restoring these sites to full productive use has promoted the creation or retention of over 6,500 jobs across the state. These accomplishments were achieved with the expenditure of approximately \$1.5 million of the \$15 million fund through February 28, 2002.

To date, the BRAC Program has not been asked to pay any deductibles on insurance claims or cleanup costs in excess of insured amounts, though the enabling legislation does require this to be done under certain circumstances. Similarly, no requests for loan guarantees have been received, as the insurance element of the program alone has proven adequate to mitigate lenders' environmental concerns and make financing available to brownfields cleanup and development projects.

Through February 28, 2002, 57 Massachusetts financial institutions were enrolled as participants in the BRAC Program, 38 of which have directly obtained environmental insurance to protect loans provided to cleanup and development of brownfields sites. In total, 70 different lenders have provided financing for brownfields cleanup and development projects with the support of BRAC lender and/or borrower insurance.

#### Recent Trends in Environmental Insurance

Recent trends in environmental insurance have made the BRAC Program vital to brownfields development in Massachusetts. Since the inception of the BRAC Program, a number of insurance carriers have ceased writing environmental insurance due to high claims costs. Others, including the program's carrier, American International Group (AIG), have ceased writing direct coverage for anything but large clean-up projects (generally \$2 million and up). In recently concluded negotiations, however, AIG has agreed to continue to provide BRAC coverage for cleanup projects as small as \$50,000 and for brownfields development loans as small as \$100,000. As a result, BRAC Program insurance is the only alternative available to smaller cleanup and development projects that comprise the majority of brownfields sites.

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In addition, the cost of conventional environmental insurance has continually risen to the point where the insurance burden often renders brownfields cleanup and development projects not economically viable. However, with the cooperation of AIG, BRAC Program insurance costs have remained significantly below current market rates. This, coupled with the availability of the 50% subsidy of premiums through the BRAC fund, makes obtaining this insurance cost effective for projects of any size.

The result has been increasing use of the insurance available through the BRAC Program. In the last twelve months, for example, applications for BRAC insurance have doubled from an historical average of 3 a week to 6 a week. The program has also seen a marked increase in the size of projects and the number of cleanups undertaken. In 2000, cleanups supported by BRAC totaled approximately \$2.2 million and total development expenditures in related brownfields projects were approximately \$191 million. In 2001, these figures grew to \$14.5 million in cleanups and over \$424 million in related development.

MassBusiness recently concluded negotiations with AIG, extending the program for two additional years. As a part of that process, new program pricing has been negotiated. Improvements and updates in policy language and provisions that are designed to limit deductibles and keep the policies low-cost and state of the art have also been negotiated. AIG and MassBusiness recently launched a new joint marketing plan to promote continued growth in program awareness and usage.

As the program and underlying projects mature, the fund may also be called upon to pay deductibles, shortfalls in cleanup costs, or to provide guarantees for qualifying loans. Case studies and project lists are located in the Appendix (A-20 to 25)

**Contact:**

**Tom Barry, MassBusiness**  
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- **Brownfields Redevelopment Fund (BRF) Program -- MassDevelopment**

Program Description

The Brownfields Redevelopment Fund (BRF) is a \$30 million fund that provides low-interest loans and grants for site assessment and cleanup in designated Economically Distressed Areas (EDAs). EDAs include all Economic Target Areas (ETAs), areas that meet the criteria for ETA designation but have not yet been formally designated, and former manufactured gas facilities (A-5 and 6).

By statute, 30 percent (\$9 million) of the \$30 million allocation for the Brownfields Redevelopment Fund must be used to conduct environmental site assessments. Site assessment awards are capped at \$50,000 unless the project is given "Priority Project Status", in which case the award amount ceiling for both assessment and cleanup is raised to \$2 million. Remediation loans under the Fund are capped at \$500,000 unless the project is deemed a "Priority Project," in which case a commitment of up to \$2 million can be made to assist in cleaning up brownfields sites.

Program Administration

The BRF program is administered by the Massachusetts Development Finance Agency (MassDevelopment). MassDevelopment, the Commonwealth's real estate and economic development bank, draws on its extensive and diversified experience in complex development issues to administer the BRF. MassDevelopment uses the BRF as a complementary financing tool available to a multitude of public and private sector partners to stimulate economic development in EDAs by efficiently advancing projects from the conceptual stage through project completion.

Program Background

The BRF became fully operational on February 28, 2000 when emergency regulations were filed and subsequently published in Massachusetts Register 891 on March 17, 2000. Technical amendments to the emergency regulations became permanent on May 29, 2000 and can be referenced at 946 CMR 3.00-3.12. The Brownfields Act specified that the Fund could not be used until the regulations were filed. The regulations could not be filed until the Brownfields Advisory Group completed its review of the regulations. This group was fully constituted in September 1999, but could not meet until January 2000 after corrective amendments were passed.

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### Program Activity

There has been significant progress under the BRF Program. As of February 28, 2002, MassDevelopment has approved funding for 198 site assessments totaling \$6.7 million and 22 remediation loans totaling \$6.4 million, for a total of 220 projects state-wide totaling \$13.2 million. The BRF has just completed its second full year of operation. Over the past twelve months, 102 site assessment awards were made totaling \$3.2 million and 13 remediation loans were made totaling \$4.1 million. There are an additional 77 projects in the pipeline anticipated to apply for program funds in March 2002 and in subsequent months.

Newly designated EDAs that are eligible to receive funds through the BRF include Salisbury, Amesbury, Newburyport, Merrimac, and Haverhill. These designations have resulted in a large number of new entities undertaking brownfields projects coming forth to request assistance. Lowell continues to be the leader in utilizing the BRF for both municipally-held properties and privately-held properties.

MassDevelopment continues to develop print ad campaigns in business-related publications. MassDevelopment also sponsors and co-sponsors brownfields information sessions and workshops and provides introduction events to newly elected local officials.

### Economic Impact of the Fund

Brownfields redevelopment can solve many of the significant economic development and land use issues that communities wrestle with every day, including: downtown revitalization; sprawl prevention; farmland, open space, and other natural resource preservation; and existing infrastructure corridor reuse. By providing flexible low cost financing through the Brownfields Redevelopment Fund in conjunction with its own financing tools, MassDevelopment is furthering its public mandate of facilitating redevelopment projects in historically underused areas, resulting in significant investment, job creation, and blight elimination. The BRF, through site assessment and remediation funding, is having a significant economic impact in accelerating the rate of site assessments and cleanups throughout Massachusetts.

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### The Site Assessment Program

It is difficult to quantify the economic impact of the site assessment program because often investigation occurs at the very early stages of the development process. Many of the project proponents do not yet own the property at the time that they submit their application; municipalities or CDCs may wish to learn the extent of contamination at a particular location before they issue requests for proposals for development. Site assessments funded through this program help clarify site conditions. A Licensed Site Professional (LSP) generates a report for each site detailing the extent, if any, of contamination and provides concrete site information for developers with resources and ambition.

### The Remediation Loan Program

MassDevelopment anticipates that a significant percentage of the existing site assessment projects will generate additional remediation applications once the LSP reports are completed and project proponents have been furnished with enough information to determine the necessary level of site cleanup. Case studies and project lists describing program activity can be found in the Appendix (A-7 through A-19).

### **Contact:**

**Diane Sullivan, MassDevelopment  
(978) 459-6100 x11.**

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- **Brownfields Tax Credit Program and Municipal Tax Abatement Provision -- Massachusetts Department of Revenue**

#### Program Description

The Brownfields Tax Credit Program offers a tax credit of 25 percent of cleanup costs at sites with an AUL upon completion of a cleanup, and up to 50 percent for non-AUL sites within designated EDAs (A-3 to A-7). Cleanup costs must be incurred between August 1, 1998 and January 1, 2007. This has been extended through Legislative changes from the original end date of January 1, 2005. An overview of the credit provisions is set forth in DOR's Technical Information Release (TIR) 99-13 (A-38 to A-41). This document was modified in DOR's TIR 00-9 (A-36 to 37) to include recent statutory changes.

The Brownfields Act also contains a Municipal Tax Abatement provision. This allows any municipality that adopts it to negotiate outstanding tax obligations on contaminated sites in exchange for a commitment to clean up and redevelop these properties.

#### Program Administration

DOR received no additional funding to administer the tax credit or municipal tax abatement provisions and has added no staff to work on either program.

#### Program Background

In 1999, DOR issued a TIR explaining the tax credit. DOR also developed the necessary tax form, Schedule BC, to be filed by taxpayers claiming the credit. In response to taxpayer comments on the form, DOR is considering several modifications. DOR staff has participated in a number of internal and external meetings to discuss some of the implementation issues. Staff from the Department of Environmental Protection (DEP) and the Governor's Office for Brownfields Revitalization participated in these meetings.

In 1999, M.G.L. c.59 § 59A was enacted so cities and towns could adopt a local provision allowing them to make agreements concerning the payment of outstanding real estate taxes, interest, and penalties. These agreements can include abating an amount necessary to make a cleanup and redevelopment project economically feasible.

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The statute was subsequently amended by M.G.L. c. 158 § 3. Under the amendment, communities accepting the statute must adopt a by-law or ordinance identifying the method for negotiating and approving the Brownfields Abatement Agreements. Questions regarding these agreements are directed to the Property Tax Bureau.

DOR has been notified that the following communities have adopted the Municipal Tax Abatement provision: Andover, Belchertown, Clinton, Gardner, Holliston, Lowell, Orange, Pittsfield, Walpole, West Springfield, Westfield, and Worcester. Communities are not required to notify DOR when they adopt this provision.

#### Program Activities

DOR is unable to determine the number of taxpayers that have applied for the credit. Although numerous telephone inquiries have been received regarding the credit, DOR has not kept track of these inquiries or the exact questions posed. One interesting question is whether a taxpayer should claim the credit in the year the cost of cleanup is paid, which is generally the time for claiming a credit, or in the year that the Response Action Outcome Statement (RAO) or Remedy Operation Status (ROS) Submittal ("Statement or Submittal") is filed with DEP. DOR responded that the credit should be claimed in the year that the Statement or Submittal was filed with DEP, and not before. No written inquiries from taxpayers have been received.

As the number of taxpayers claiming the credit increases, DOR anticipates that more questions will be asked about what expenditures qualify for the credit. Several questions have been received about the relationship between the tax credit and M.G.L. c. 21J. Information to address these issues is being developed, including guidelines for tax credit program eligibility. Additional public written statements may be necessary.

#### Contact:

**Wendy McClellan, MA Department of Revenue  
(617) 626-3861**

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- **Governor's Office for Brownfields Revitalization**

The Governor's Office for Brownfields Revitalization (GOBR) is required by statute to "coordinate the development and implementation of a Massachusetts brownfields strategy for cleanup and redevelopment of contaminated sites." Since its formation in June of 1999, GOBR and the Commonwealth's brownfields programs have attained national recognition for innovation and success.<sup>1</sup>

GOBR serves the following roles in implementing the broad mandate:

- Coordinates the implementation of the legislative programs;
- Promotes state initiatives through education and marketing, serving as a single point of contact for information on all program specifics;
- Serves as ombudsman for brownfields projects, working with all relevant agencies to facilitate projects; and
- Assists project proponents in accessing all state, federal and local economic development incentives available for real estate development.

#### Staffing

GOBR has two full-time employees, responsible for the above activities across the Commonwealth. J. Todd Fernandez, Esq., Director; and Nancy Jackson, Deputy Director. Together these individuals have expertise in environmental law, business law, economic development, manufacturing, marketing, public speaking, and over 25 years in government. GOBR has a budget of approximately \$180,000.

#### Program Activities

Since June 1999, GOBR has produced the following results:

- Assisted in the implementation of brownfields programs including BRAC, state tax credit, municipal tax abatement, and, with MassDevelopment, the loan funds;
- Coordinated designation of EDAs with the Economic Assistance Coordinating Council; coordinated subsequent designation of grouped census tracts as EDAs (on-going);

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<sup>1</sup> National Governor's Association Center for Best Practices "Where Do We Grow From Here"

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- Produced detailed marketing/educational materials on all programs, with distribution to more than 10,000 individuals and entities, including real estate professionals; accountants; lawyers; developers; lenders; economic development officials; state, federal and local elected and appointed officials; academic institutions; trade associations;
  - Made presentations to associations and conferences with more than 3,000 attendees;
  - Responded to more than 1,500 requests for information on all aspects of real estate development;
  - Provided direct assistance to municipal officials from over 27 communities (FY2000) and 16 communities (FY2001), many with little internal capacity for brownfields redevelopment;
  - Wrote and launched the nation's most comprehensive brownfields website – [massbrownfields.state.ma.us](http://massbrownfields.state.ma.us) – with how-to sections for developers and municipalities, information on over 37 federal, state and local programs for real estate redevelopment and capacity building, and links to all brownfields partners (over 14,000 hits in 9 months);
  - Developed and computerized a voluntary real estate listing service to connect buyers and sellers of brownfields, BF JUMP START, containing over 35 brownfields developers looking for opportunities in the Commonwealth;
  - Provided direct assistance to approximately 100 projects across the Commonwealth; and
  - Generated extensive press articles showcasing the Massachusetts brownfields efforts, in publications including The Boston Globe, The Boston Herald, The Worcester Telegram, The Berkshire Eagle, Business Facilities, EPA Brownfields Report and others.

**Contact:**

**Todd Fernandez, MA Governor's Office for Brownfields Revitalization  
(617) 973-8989**

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- **Activity and Use Limitation (AUL) Audit Program, Brownfields Technical Assistance and Federal Tax Incentive Program -- Massachusetts Department of Environmental Protection (DEP)**

#### Program Description

Through the Brownfields Act, the Massachusetts Department of Environmental Protection (DEP) received \$10 million to expand its site audit program, increase oversight of private sector cleanups and increase compliance assistance and enforcement of Activity and Use Limitations (AULs) that may be put in place as part of some site cleanups. This mandate included increased training of DEP staff, and increased oversight and training of Licensed Site Professionals (LSPs). In addition to the AUL Audit Program, DEP contributes to the Commonwealth's brownfields strategy through a strong technical outreach program that targets assistance to brownfields project proponents across the state.

#### Program Administration

DEP's Bureau of Waste Site Cleanup (BWSC) administers the Waste Site Cleanup, AUL Audit and Brownfields Programs.

#### Program Background

The Commonwealth's brownfields strategy began with the privatization of oil and hazardous material cleanups in the 1992 revisions to Chapter 21E. DEP implemented the privatized hazardous waste site cleanup program in 1993, placing responsibility for overseeing most cleanups directly in the hands of the private sector.

This program has proven to be a critical tool in the cleanup of brownfields and other contaminated sites in Massachusetts. In the space of 3 years, the number of sites cleaned up each year went from fewer than 100 to approximately 1000, a remarkable increase. Between 1993 and 1996, the annual number of sites cleaned up increased more than 14 times (A-2).

The DEP is required to audit response actions at hazardous waste sites by M.G.L. Chapter 21E § 3A(o). This law mandates that DEP audit a minimum of 20% of all sites for which annual compliance assurance fees are required to be paid. The principal focus of the audit evaluation is to determine whether human health, safety, public welfare, and the environment have been adequately protected by response actions conducted at the site. The data generated by the audit program is used to evaluate and strengthen the state's privatized cleanup program.



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### AUL Audit Program Activities

To support expanded program activities required by the Brownfields Act, DEP funded 64 technical, legal, and information technology staff including 40 new permanent staff members. The majority of these positions are located in DEP's regional offices, working on site audits, inspections, and oversight and enforcement activities. DEP used temporary contract resources to define the AUL universe in Massachusetts, establish a baseline for its site audit activities, and design information systems necessary to implement DEP's AUL audit activities. These resources also provided support for the brownfields regulation development process and developed professional/technical training for DEP staff and Licensed Site Professionals.

The Brownfields Act directed DEP to conduct targeted audits of all sites where AULs have been implemented. With the new brownfields-funded DEP staff and temporary contract hires, DEP initially focused on approximately 750 sites not previously audited that were filed between October 1, 1993 and December 31, 1998.

DEP completed the following audit activities as of February 28, 2002:

- 723 RAO Statements reviewed
- 729 AUL Notices reviewed
- 216 comprehensive audits completed
- Thousands of field inspections and visits conducted across the program, including 411 site inspections of AUL Maintenance Conditions
- 216 Notices of Audit Findings issued for comprehensive audits
- 195 inspection/review letters issued
- 142 review letters issued

### Brownfields Technical Assistance

In addition to the AUL Audit Program, DEP contributes to the Commonwealth's brownfields strategy through a strong technical outreach program that targets assistance to brownfields project proponents across the state. DEP proactively provides technical assistance to facilitate the cleanup and redevelopment of contaminated sites and has streamlined agency response to brownfields project requests. Staff devoted exclusively to brownfields issues in DEP's Boston office provide comprehensive technical assistance to parties seeking to cleanup and redevelop contaminated parcels. Regional points of contact have been established as well to address brownfields issues. As of February 28, 2002, DEP staff had provided assistance and project facilitation to over 235 projects in 108 communities since 1998 (A-28 to 35).

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DEP also provides technical assistance to communities and organizations that have applied for and received funding under the federal Brownfields Cleanup Revolving Loan Fund Pilot Program by supplying a Brownfields Site Manager to oversee remedial actions. DEP has entered into a Cooperative Agreement with EPA to receive funding to conduct these activities. DEP assistance has greatly benefited communities by moving sites to active cleanup, releasing DEP direct oversight staff to concentrate state resources on other high-risk sites. Under this program sites are typically eligible for up to \$500,000 and, in some cases, much more.

#### The Federal Brownfields Tax Incentive Program

In August 1997, the federal government established a Brownfields Tax Incentive Program under the Taxpayer Relief Act of 1997 (PL 105-34). The program allows businesses to claim costs for environmental cleanups of hazardous materials on business-related properties located in certain targeted areas in Massachusetts as fully deductible business expenses in the year in which the costs are incurred or paid. Massachusetts businesses seeking these deductions must obtain a certification of the property's eligibility from DEP. This certification must then be submitted to the Internal Revenue Service with the business's tax filings.

On December 21, 2000, the provision was amended by eliminating the geographical qualification so that any project involving the cleanup of hazardous materials on a brownfields property is eligible for a credit for costs incurred from December 21, 2000 through December 31, 2003. As of February 28, 2002, DEP has issued nine Certifications of Eligibility for properties located in Boston, Lawrence, Cambridge, Wakefield, and Brockton.

#### Contact:

**Catherine Finneran, MA Department of Environmental Protection  
(617) 556-1138**

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## VI. ISSUES RESOLVED AND REMAINING

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### Issues Resolved

In the Brownfields 2000 Report, issues were identified that needed to be resolved to improve program operations. One issue that was identified related to the Brownfields Tax Credit Program. Under the Brownfields Act, the Brownfields Tax Credit was not available to taxpayers who received financial assistance from the Brownfields Redevelopment Fund (BRF) or the Brownfields Redevelopment Access to Capital (BRAC) Program. This limited the ability of people undertaking brownfields projects to “bundle” various program incentives. Another limitation of the Brownfields Tax Credit Program was that net response and removal costs had to be incurred between August 1, 1998 and January 1, 2005 to be eligible for the credit, provided that the taxpayer commenced and diligently pursued an environmental response action before August 5, 2001. This limitation prevented people from taking advantage of this program after this date.

Through successful inter-agency efforts and Legislative support, changes to the Brownfields Tax Credit Program were passed through Chapter 159 of the Acts of 2000, “An Act Making Appropriations for the Fiscal Year 2001”. Under this revision, receipt of state financial assistance does not result in failure to qualify for the Brownfields Tax Credit Program. This legislation also extended the time for incurring eligible costs that qualify for the tax credit. Through this revision, net response and removal costs that the taxpayer incurs between August 1, 1998 and January 1, 2007 are eligible for credit provided that the taxpayer commences and diligently pursues an environmental response action before August 5, 2003.

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<b>Issues Remaining</b>	As the Brownfields Report Update illustrates, programs established by the Massachusetts Brownfields Act have been enormously successful in achieving the goal of accelerating the identification, cleanup and redevelopment of brownfields sites throughout the Commonwealth. However, challenges lie ahead as program operation continues.
<b>Funding and Program Support</b>	As the programs established thorough the Massachusetts Brownfields Act conclude a third year, significant data confirm program success. However, many sites remain that have not benefited from program financial assistance and support. It is critical that these brownfields programs receive additional funding and program support not just to maintain the level of success achieved, but to broaden impact to sites not yet addressed.
<b>BRAC Program</b>	<p>Though an effective tool in promoting the availability of loan capital for brownfields development projects, the legislation that created BRAC makes no provision for either public entities or private parties that may be willing to undertake brownfields projects without using conventional loan financing.</p> <p>Expanding the BRAC Program to provide support for brownfields projects using sources of capital other than loans would greatly expand the program’s reach and improve accessibility of the program to cities and towns. Often, public entities use general funds, grants, or privately committed funds for brownfields projects. Many private sector developers use private sources of capital. The lack of an affordable means of protecting these other funding sources from the potentially catastrophic risks associated with brownfields sites can prevent these brownfields cleanup and redevelopment projects from proceeding.</p> <p>Program insurance availability could be expanded to other sources of capital that seek protection from environmental risks through a minor change to the language of section 32, subsection 60, as follows:</p> <ol style="list-style-type: none"><li>1. Insert the words “ and Developers” after the word “Borrowers” in sub-section 60(f) of the original legislation; and</li><li>2. Strike the words “at the time of originating a loan to a borrower”, in the definition of Unanticipated Environmental Costs contained in sub-section 60 (a), and substitute the words “at the time environmental insurance is bound pursuant to this section”.</li></ol>

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<b>Economically Distressed Area (EDAs)</b>	Under the Brownfields Act, only projects located in Economically Distressed Area (EDA) communities are eligible for Brownfields Tax Credits and loans from the BRF. Just over half of the 351 towns and cities in Massachusetts have EDA designations. Some agencies believe that, where cleanup costs exceed property value, developers and their lenders may seek to avoid cleanup costs in these communities entirely by building on pristine land areas. They feel that expansion of the availability of these financial incentives to the rest of the state is necessary to address this issue. There is not unanimity of opinion on this issue, however.
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**APPENDIX**

**BROWNFIELDS REPORT UPDATE**

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## **Chapter 206 of the Acts of 1998**

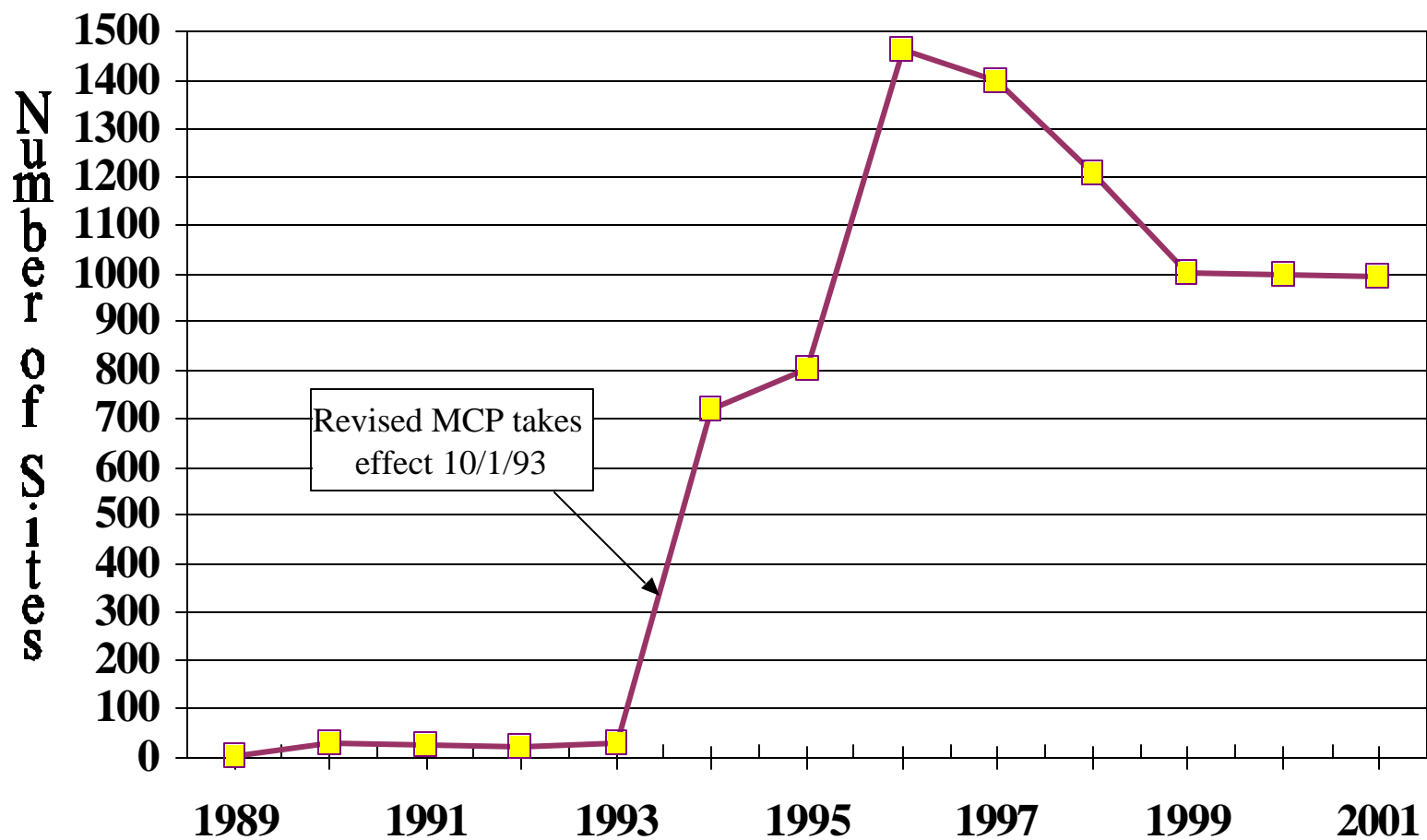
### **AN ACT RELATIVE TO ENVIRONMENTAL CLEANUP AND PROMOTING THE REDEVELOPMENT OF CONTAMINATED PROPERTY.**

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to ensure forthwith environmental cleanup and promote the redevelopment of contaminated property, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

**SECTION 40.** The department of environmental protection shall, in consultation with the office of the attorney general, and the department of economic development, within 18 months of the effective date of this act, conduct a study of the results and financial requirements of this act and file the results of such study with the clerks of the house of representatives and the senate and the joint committee on natural resources and agriculture and the house and senate committees on ways and means. Based upon an analysis of said study and taking into consideration the constraints of the five year capital spending plan, the governor is hereby directed to file with the general court legislation seeking authorization to issue bonds in an amount sufficient to successfully continue the programs and initiatives established by this act.

## SITES PERMANENTLY CLEANED UP ANNUALLY \*



\* Excludes Spills

Fiscal Year



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## **FINANCIAL INCENTIVES ELIGIBILITY**

Eligibility requirements apply to some programs established by the Brownfields Act. These programs, and their respective eligibility requirements, are listed below.

<b>PROGRAM</b>	<b>ELIGIBILITY REQUIREMENT(s)</b>
<b>Brownfields Redevelopment Fund (BRF) Program:</b> Provides loans and grants for site assessment and remediation.	Qualifying EDA, Eligible Person
<b>Brownfields Redevelopment Access to Capital (BRAC) Program:</b> Provides state subsidized environmental insurance.	Any Location, Any person
<b>Brownfields Covenant Not to Sue (CNTS) Program:</b> Provides liability protection not available under the statute.	Any Location, Any person
<b>Brownfields Tax Credit Program:</b> Provides up to a 50% tax credit for response action costs once a permanent solution has been reached.	Qualifying EDA, Eligible Person

The BRAC and CNTS programs are available to any applicant located in any area throughout Massachusetts. To take advantage of the BRF and the Brownfields Tax Credit Programs, the following two eligibility requirements must be demonstrated:

**Eligible person** - An applicant must qualify as an “eligible person”. An eligible person is defined in c. 21E as an owner or operator who did not cause or contribute to a release of oil or hazardous material, and who did not own or operate the site at the time the release occurred.

**Qualifying EDA** – To qualify as an EDA, the area must meet one of the criteria listed below. EDAs are listed on page A-5 and A-6.

- An area or municipality that has been designated as an Economic Target Area (“ETA”), or
- An area or municipality that meets the criteria for ETA designation, but has not been designated as an ETA, or
- The site of a former manufactured gas plant.

The Massachusetts Brownfields Program Incentives Map identifies the current list of 194 cities and towns in Massachusetts that contain Economically Distressed Areas (EDAs) as determined by the Massachusetts Department of Economic Development. This map is located on page A-4.

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**REFER TO EDA MAP**

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## **MUNICIPALITIES QUALIFIED AS ECONOMICALLY DISTRESSED AREAS (EDAs), PURSUANT TO BROWNFIELDS ACT**

EDAs are areas that are currently an Economic Target Area (ETA) or that would otherwise qualify to be an ETA. Note: This list consists of individual municipalities that are currently Economic Target Areas or that would otherwise qualify to be an ETA based upon the criteria contained in the statute and determined from published economic criteria. Other "areas" defined as three or more contiguous census tracts or one or more contiguous municipalities may qualify based on published and other non-published economic criteria. To determine whether a site may be within an area so qualifying, please contact George Mazareas, 617-973-8610.

Abington, Acushnet, Adams, Amesbury, Amherst, Ashburnham, Ashfield, Ashland, Athol, Attleboro, Ayer, Barnstable, Barre, Becket, Belchertown, Berkley, Bernardston, Beverly, Billerica, Blackstone, Boston, Bourne, Boxborough, Braintree (only census tract 4194), Brewster, Brimfield, Brockton, Brookfield, Buckland, Burlington, Buzzards Bay (census tract 137), Cambridge, Canton, Carver, Charlemont, Charlton, Chatham, Chelmsford (census tract 3171), Chelsea, Cheshire, Chester, Chicopee, Clinton, Colrain, Conway, Dartmouth, Deerfield, Dennis, Dighton, Douglas, Dracut, Dudley, Eastham, Easthampton, Edgartown, Erving, Essex, Everett, Fairhaven, Fall River, Falmouth, Fitchburg, Florida, Fort Devens, Framingham, Freetown, Gardner, Gay Head, Gill, Gloucester, Grafton, Great Barrington, Greenfield, Groton (parcel 129), Hardwick, Harwich, Haverhill, Hawley, Heath, Hingham, Hinsdale, Holland, Holyoke, Hopedale, Hubbardston, Hudson, Hull, Ipswich, Lancaster, Lawrence, Lee, Leicester, Leominster, Leverett, Leyden, Lowell, Ludlow, Lunenburg, Lynn, Malden, Manchester, Marlborough, Mashpee, Mattapoisett, Maynard, Medford (Only census tract 3398-Telecom City), Mendon, Merrimack, Methuen, Middleborough, Milford, Millbury, Millville, Monroe, Monson, Montague, Monterey, Montgomery, New Ashford, New Bedford, New Salem, Newburyport, North Adams, North Andover (census tracts 2532, 2532.01), North Brookfield, Northampton, Northborough, Northbridge, Northfield, Norton, Orange, Orleans, Otis, Oxford, Palmer, Peabody (census tracts 2106, 2107, 2108), Phillipston, Pittsfield, Plainfield, Plymouth, Provincetown, Quincy, Randolph, Revere, Rochester, Rockland, Rockport, Rowe, Royalston, Rutland, Salem, Salisbury, Sandisfield, Sandwich, Savoy, Sheffield, Shelburne, Somerset, Somerville, Southbridge, Spencer, Springfield, Stockbridge, Sturbridge, Sunderland, Sutton, Swansea, Taunton, Templeton, Tisbury, Truro, Upton, Uxbridge, Wales, Waltham, Ware, Wareham, Warren, Watertown (census tracts 3703, 3704), Webster, Wellfleet, Wendell, West Brookfield, Westfield, Westminster, Westport, Weymouth, Whately, Williamstown, Wilmington (census tracts 3312, 3313), Winchendon, Woburn (census tracts 3334, 3335, 3336), Worcester, Yarmouth.

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**1. G.L. ch. 23A, sec. 3A-3F. Criteria:**

- (1) Unemployment rate that exceeds state average by 25% or more; or
- (2) Located in a metropolitan area AND have 51 % of household incomes < 80% of metropolitan area median household income; or
- (3) Not located in a metropolitan area AND have 51% of household incomes < 80% of state median household income or applicable non-metropolitan area; or
- (4) Poverty rate at least 20% higher than the average state poverty rate; or
- (5) Located in a community or labor market area with a distress factor > 1.33 ["distress factor" is defined in statute -G.L. ch. 23A, sec. 3A].

**2. Non-published economic criteria include areas that have had:**

- (1) 2000 or more cumulative job loss within the last four years;
- (2) A commercial vacancy rate greater than 20% during the most recent twelve month period;
- (3) The site of a generation facility with a diminished market valuation at the time of sale less, or more; or
- (4) A former maritime manufacturing facility.

**FORMER GAS SITES THAT QUALIFY AS ECONOMICALLY DISTRESSED AREAS, PURSUANT TO THE BROWNFIELDS ACT**

\*Adams, Columbia Street; \*Adams, Murray Street; Arlington, Grove Street; Arlington, Mystic Street; \*Athol, Electric Street; \*Beverly, Henderson Road; \*Beverly, River Street; \*Clinton, Pleasant Street; Danvers, Merrill Street; \*Easthampton, Mechanic Street; \*Gardner, Logan Street; \*Gloucester, Harbor Loop; \*Leominster, Main Street and Mill Street; Lexington, Merriam Street; \*Lynn, Marine Way; \*Malden, Commercial Street and Charles Street; Marblehead, Orne Street; \*Marlboro, Maple Street; \*Milford, Pond Street; Nantucket, Candle Street; \*North Adams, Brown Street; \*Northampton, Main Street; \*Plymouth, Howland Street; \*Revere, Railroad Street; \*Salem, Beaver Street; \*Salem, North and Federal Street; \*Salem, Waite Street; \*Southbridge, Wardwell Street; \*Spencer, Elm Street; Stoneham, Pomeworth Street; \*Webster, Union Street; \*Williamstown, Cole Avenue; Woburn, Conn Street

Sites with an asterisk\* are municipalities that also already qualify in their entirety.

## **MASSDEVELOPMENT PROJECT SUMMARY** **Brownfields Redevelopment Fund (BRF) Program**

***(under management and in the pipeline)***

### **SITE ASSESSMENTS UNDER MANAGEMENT (198 @ \$6,778,014)**

<b>TOWN</b>	<b>SPONSOR</b>	<b>PROJECT</b>	<b>FORMER USE</b>	<b>ANTICIPATED REUSE</b>	<b>AWARD</b>
<b>West</b>					
<b>Adams</b>	<b>Town of Adams</b>	<b>Plunkett Hospital</b>	<b>Hospital</b>	<b>Housing/Hotel</b>	<b>\$ 50,000</b>
Adams	Town of Adams	50 Commercial St.	Duteaus Body Shop	Commercial Gateway	\$ 50,000
Adams	Town of Adams	Lot 4, Adams Corp Park	Mill	Light Industrial	\$ 50,000
Adams	MassDevelopment	Visitors Center	Industrial	Bike trail Visitors Center	\$ 50,000
Adams	MassDevelopment	Whitman Building	Commercial/Retail	Environmental Cluster	\$ 50,000
Amherst	Amherst Cinema Ctr., Inc.	Amherst Cinema Center	Theater	Performing Arts Center	\$ 20,000
Buckland	Franklin County CDC	Lamson and Goodnow	Cutlery Manufacturer	Mixed Use	\$ 28,000
Charlemont	Town of Charlemont	8 Avery Brook Road	Pallet & Lumber Co.	Comm/Light Industrial	\$ 15,000
Chicopee	Romano Realty, Inc.	Doane & Williams	Lumber Yard	Human Services	\$ 25,000
Chicopee	Al LaFleur	238 Meadow St.	Gas Station/Garage	Mixed Commercial	\$ 27,000
Deerfield	M.A. Gedney	Cain's Facility	Pickle Processor	Acquisition; Same use	\$ 10,000
Easthampton	Sean's Custom Woodworking	13 Terrace View	Warehouse/Trucking	Woodworking mfg.	\$ 5,000
Easthampton	Sokoloski	2 East Street	Service Station	Comm./Light Industrial	\$ 41,000
Grt. Brngtn	E. Caligari & Sons, Inc.	81-85 Main Street	Woolen Mill/Comm.	Office/Retail	\$ 6,000
Grt. Brngtn	DJ Bell	195 State Road	Taxi Depot/Service	Antique and Classic Cars	\$ 8,500
Greenfield	Greenfield Comm. College	Garden Theater Block	Downtown Cinema	Mixed Use/Perf. Arts	\$ 22,000
Hardwick	Town of Hardwick	Raitto Industrial Site	Industrial/Fire	Continued Industrial	\$ 50,000
Holyoke	City of Holyoke	Central MA Machine	Funeral Home/Furnit.	Manufacturing	\$ 12,190
Holyoke	Greater Holyoke CDC	600 Main Street	Auto Repair	Retail Auto Accessory	\$ 12,450
Holyoke	Greater Holyoke CDC	556-560 High Street	Gas Station/Garage	Commercial	\$ 4,500
Holyoke	Greater Holyoke CDC	586-588 High Street	Retail/Housing	Commercial/Retail	\$ 4,500
Holyoke	HCC Foundation	Westfield Street	Agricultural/Landfill	Mixed Use	\$ 30,000
Holyoke	HEDIC	Main/Race Streets	Industrial	Am. Electric Cable Exp.	\$ 30,000
Holyoke	NERI	NERI	Industrial	Special Needs School	\$ 10,000
Holyoke	Andy's Auto Repair	532 High Street	Garage/Repair	Auto Body	\$ 15,000
Holyoke	DE Bourque & Sons	1280 Dwight Street	Garage/Repair	Auto Body	\$ 5,350
Ludlow	CarSmart, Inc.	5 Miller Street	Garage/Repair	Auto Body	\$ 12,000
<b>N'hampton</b>	<b>Valley CDC</b>	<b>Millbank/Housing</b>	<b>Landfill</b>	<b>Affordable Housing</b>	<b>\$ 125,000</b>
<b>N'hampton</b>	<b>Cutlery Building Assoc.</b>	<b>320-360 Riverside Drive</b>	<b>Raceway/Dump</b>	<b>Mixed Housing/Comm.</b>	<b>\$ 50,000</b>
<b>N'hampton</b>	<b>MassDevelopment</b>	<b>State Hospital</b>	<b>State Hospital</b>	<b>Mixed Housing/Comm.</b>	<b>\$ 12,500</b>
Orange	Sogard Tool	East River Street	Tool Manufacturer	Tenant Purchase	\$ 26,350
<b>Pittsfield</b>	<b>Mahaiwe Harvest LT</b>	<b>3 Dalton Avenue</b>	<b>Abandoned Stone</b>	<b>Affordable Housing</b>	<b>\$ 5,000</b>
Pittsfield	PEDA	GE Redevelopment	GE Facility	Commercial/Industrial	\$ 50,000
Pittsfield	Louis Perlman and Sons	Perlman Recycling	Rail Yard	Recycling Facility	\$ 50,000
Pittsfield	George Apkin & Sons	54 South Merriam	Rail Yard	Recycling Facility	\$ 25,000
Pittsfield	Colonial Theater Assoc.	113 South Street	Theater/Hardware Store	Theater/Performing Arts	\$ 6,500
Springfield	All States Transport, Inc.	95-165 Avocado Street	Fruit Distribution	Freight/Trucking/Wrhse	\$ 12,860
<b>Springfield</b>	<b>Triangle Management LLC</b>	<b>Apremont Triangle</b>	<b>Auto/Retail/Office</b>	<b>Retail/Office/Housing</b>	<b>\$ 16,750</b>

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Springfield	City of Springfield	Crane Facility	Foundry/Mod. Home	Commercial/Industrial	\$ 50,000
Springfield	City of Springfield	Atlantic States Property	Truck Repair/Insulation	Multi-Tenant Industrial	\$ 50,000
Springfield	City of Springfield	WS Extract Place	Vanilla Extr. Proc.	Commercial/Industrial	\$ 40,000
Springfield	The Colvest Group	Mason Square	Commercial/Retail	Commercial/Retail	\$ 50,496
<b>Springfield</b>	<b>Spfld. Redev. Authority</b>	<b>118 Fisk Avenue</b>	<b>Manufacturing</b>	<b>Affordable Housing</b>	<b>\$ 30,000</b>
Springfield	City of Springfield	Gemini Building	Clothing Mfr.	Office/Commercial	\$ 25,000
Springfield	Cafe Savannah, LLC	1106 Main Street	Retail/Commercial	Cafe/Retail/Office	\$ 25,000
<b>Springfield</b>	<b>Karen Parker</b>	<b>501-505 Main Street</b>	<b>Gas Station/Garage</b>	<b>Housing/Mixed</b>	<b>\$ 6,500</b>
Springfield	Transworld Sales	846 Bay Street	Metal Scrap Yard	Metal Scrap Operation	\$ 10,000
Springfield	Statewide Mechanical Cont.	781-783 Worthington	Mini-bus Garage/Auto	Mechanical Contractor	\$ 12,000
Total: (48)					\$1,349,418

#### South

Attleboro	Attleboro Acq. Corp.	Attleboro Ref./Townsend	Metals Refinery	Precious Metals Refinery	\$ 50,000
Brockton	Algar Co.	South Main	Airport/Drive-in	Construction Co.	\$ 18,574
Brockton	WB Mason	70 East Battles St	Textile Manufctg	Retail Ofc.Furn. & Suppl.	\$ 50,000
Brockton	Champion City Recycling	138 Wilder Street	Transfer Station	Transfer Station	\$ 50,000
Brockton	GeoTek	456 Montello	Former DPW site	Env. Co.	\$ 45,000
Brockton	Brockton 21st Century	Bargaineer Site	Comm/Ind.	Tire Recyclers	\$ 50,000
Dartmouth	G&D Power Equipment	75-79 Slocum Road	Fencing & Hardware	Exp. Of Existing Bus.	\$ 12,000
<b>Dighton</b>	<b>CD and Mortg. Alliance</b>	<b>Somerset Avenue</b>	<b>Vacant Comm/Ind.</b>	<b>Housing</b>	<b>\$ 2,800</b>
Fall River	M275-LLC (Carigg)	275 Martine Street	Former Mill and Die	Office Space	\$ 50,000
Fall River	Eye Health Vision Ctrs.,	240 Hartwell Street	Cotton & Clothier Mill	Vision Health Care	\$ 25,800
<b>Falmouth</b>	<b>Falmouth EDIC</b>	<b>740 Main St.</b>	<b>Service Station</b>	<b>Technology Incubator</b>	<b>\$ 25,000</b>
<b>Freetown</b>	<b>Town of Freetown</b>	<b>2 Country Road</b>	<b>Screw Mfr.</b>	<b>Elderly Housing</b>	<b>\$ 25,000</b>
<b>Lakeville</b>	<b>MassDevelopment</b>	<b>State Hospital</b>	<b>State Hospital</b>	<b>Mixed Use</b>	<b>\$ 12,500</b>
Mashpee	Auto Truck Specialist	25 Bowdoin Road	Auto Repair Yard	Repair/Towing Operation	\$ 7,555
New Bedford	Riverside Investment LLC	194 Riverside Drive	Clothing Mfr.	Multi-Tenant C/I	\$ 35,000
Somerset	Northboro Recovery Serv.	2317 Country Road	Gas Station	Gas Station	\$ 50,000
Taunton	PRIDE, Inc.	3 Maple Street	Pkg. Facility	Human Services/Shelter	\$ 10,000
Taunton	Taunton Development Corp	Myles Standish Ind. Pk.	Army Dump	Various Industrial	\$ 95,500
Wareham	Town of Wareham	Oak Grove School	School	Community Educ. Facility	\$ 1,750
Total: (19)					\$ 641,540

#### Central

Clinton	Town of Clinton	Armory Packaging Property	Various Industrial	Planned Industrial	\$ 42,002
Clinton	Lincoln D. Realty Trust	280 High Street	Abandoned Bank/Office	Post Office	\$ 6,475
Fitchburg	Riverside Trust	650 Water Street	Various Industrial	Mixed Comm./Ind.	\$ 50,000
Fitchburg	Feen Country Living	229 Princeton Road	Paper Storage	Heating Retail	\$ 7,500
Fitchburg	Lawrence Rucki	17 Simons Street	Various Industrial	Manufacturing	\$ 20,815
Grafton	CMEDA	Fisherville Mill	Industrial	Comm/Ind.	\$ 50,000
Grafton	Troiano Trucking	Creeper Hill Road	Industrial/Trucking	Expansion of Feed Mfg.	\$ 21,570
<b>Hudson</b>	<b>Beforeclosure/CleanStart</b>	<b>1 Zina Road</b>	<b>Gravel Pit</b>	<b>Affordable Housing</b>	<b>\$ 42,500</b>
Hudson	Borg Design, Inc.	71 Apsley Street	Manufacturing	Sponsor Acq./ Renovation	\$ 3,000

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<b>Leicester</b>	<b>Clean Start</b>	<b>80 Chapel Street</b>	<b>Chapel Mill</b>	<b>Assisted Living</b>	<b>\$ 34,515</b>
Oxford	Pratt Trucking	200 Old Webster Road	Gravel Pit	Transfer Station	\$ 23,000
<b>Oxford</b>	<b>Biker's Break, Inc.</b>	<b>425 Main Street</b>	<b>Service Station</b>	<b>Repair/Service</b>	<b>\$ 7,815</b>
<b>Southbridge</b>	<b>Brookside Terrace LP</b>	<b>Brookside Terrace Village</b>	<b>Aff Housing</b>	<b>Aff Housing</b>	<b>\$ 480,000</b>
Uxbridge	LTI 44	Stanley Woolen Mill	Industrial	Mixed Comm/Retail	\$ 48,800
<b>Webster</b>	<b>CMEDA</b>	<b>Tri-Valley Elder Center</b>	<b>Various Industrial</b>	<b>Municipal Svcs. Bldg</b>	<b>\$ 9,165</b>
<b>Westboro</b>	<b>MassDevelopment</b>	<b>Lyman School</b>	<b>State School</b>	<b>Mixed Use</b>	<b>\$ 12,500</b>
Worcester	Ralphco, Inc.	44 Grand Street	Loom Manufacturing	Paper Manufacturing	\$ 13,970
Worcester	CMEDA (PI/PII)	S. Worcester Indus. Pk	Various Industrial	Planned Indust. Use	\$ 137,400
Worcester	Clean Start	S. Worcester Indus. Pk.	Various Industrial	Planned Indust. Use	\$ 73,900
Worcester	Buyer's Market	79 Beacon Street	Commercial/Industrial	Relocation of Mfr.	\$ 18,100
Worcester	Plate & Patch Corp.	141 Ballard Road	Industrial	Industrial Expansion	\$ 14,250
<b>Worcester</b>	<b>Worcester Business Dev.</b>	<b>Prescott St. Gateway Pk</b>	<b>Various Industrial</b>	<b>Mixed Comm/Ret/Hsng</b>	<b>\$ 33,400</b>
<b>Worcester</b>	<b>Gateway Park LLC</b>	<b>Prescott St. Gateway Pk</b>	<b>Various Industrial</b>	<b>Mixed Comm/Ret/Hsng</b>	<b>\$ 49,564</b>
<b>Worcester</b>	<b>Main South CDC</b>	<b>Kilby/Hammond/Gardner</b>	<b>Industrial</b>	<b>Fields/Boy's &amp; Girl's</b>	<b>\$ 21,000</b>
Worcester	Abrasive Blasting & Coating	41P Sutton Lane	Woolen Mill	Metal & Plating Operation	\$ 10,116
Worcester	SF Properties	224 Southwest Cutoff	Industrial	Commercial/Industrial	\$ 25,500
Worcester	PresMet Corp.	Harding -Pond Street	Gas Station	PresMet Parking	\$ 50,000
Worcester	Caron/Capone	15 Putnam Lane	Various Industrial	Golf Range	\$ 32,600
Total: (29)					\$1,360,397
<b>North</b>					
Amesbury	Town of Amesbury	14 Cedar Street	Various Industrial	Comm/Industrial	\$ 49,603
Amesbury	Town of Amesbury	31-45 Water Street	DPW Site	Mixed Use	\$ 30,245
Amesbury	Town of Amesbury	36 High Street	Shoe/Leather Mfr.	Museum/Tech Tranfer	\$ 28,375
Beverly	Captain's Dusty's Ice Cream	642 Hale Street	Gas Station	Ice Cream Shop	\$ 40,700
Billerica	Richard Kohn	9—11 Brick Kiln Road	Truck Depot	Truck Distribution	\$ 18,500
Billerica	Billerica Dev. Finance	Treble Cove Road	Various Industrial	Planned Industrial	\$ 50,000
<b>Gloucester</b>	<b>Fort Pier, LLC</b>	<b>58—60 Commercial St.</b>	<b>Marine Use</b>	<b>Marine/Restaurant</b>	<b>\$ 10,000</b>
<b>Haverhill</b>	<b>City of Haverhill</b>	<b>153 Brown Avenue</b>	<b>Glynn Nursing Home</b>	<b>Affordable Housing</b>	<b>\$ 19,800</b>
<b>Haverhill</b>	<b>City of Haverhill</b>	<b>31-35 Railroad Avenue</b>	<b>Shoe/Hat Factory</b>	<b>Aff. Housing:100 Units</b>	<b>\$ 22,500</b>
<b>Haverhill</b>	<b>City of Haverhill</b>	<b>51 Kenoza Ave</b>	<b>Armory</b>	<b>Aff. Housing (29)</b>	<b>\$ 15,450</b>
Haverhill	City of Haverhill	57 Granite Street	Retail Tire Store	Parking	\$ 33,925
<b>Lawrence</b>	<b>LPNDC</b>	<b>68 Union Street</b>	<b>Oil Depot/Retail</b>	<b>Aff. Housing:2 Units</b>	<b>\$ 31,000</b>
Lawrence	Ozzy Property Mgmt.	181 Canal	Various Industrial	C/I	\$ 5,052
Lawrence	Ozzy Property Mgmt.	56 Island	Various Industrial	C/I	\$ 5,052
Lawrence	Ozzy Property Mgmt.	60 Island	Various Industrial	C/I	\$ 5,052
Lawrence	Ozzy Property Mgmt.	4 Union	Various Industrial	C/I	\$ 5,052
Lawrence	Ozzy Property Mgmt.	58-80 Methuen	Various Industrial	C/I	\$ 5,052
Lawrence	Marfy Auto Sales	31 Merrimack Street	Oil Depot	Auto Retail	\$ 13,500
Lowell	City of Lowell	21 Nottingham Street	Electroplating/Tannery	Office/Industrial Mix	\$ 31,400
Lowell	City of Lowell	105 Whidden Street	Oil Depot/Retail	comm/ind	\$ 34,700
Lowell	City of Lowell	663 Lawrence Street	Electric Generator	Office/Industrial Mix	\$ 50,000
Lowell	City of Lowell	207 Walker Street	Machine Shop	Industrial	\$ 34,400

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<b>Lowell</b>	<b>City of Lowell</b>	<b>323 Middlesex Street</b>	<b>Warehouse (fire)</b>	<b>High-End Office</b>	<b>\$ 34,400</b>
Lowell	City of Lowell	1052 & 1058 Gorham St.	Auto Repair/Machine	Industrial	\$ 48,950
<b>Lowell</b>	<b>Acre Coalition</b>	<b>192 Suffolk Street</b>	<b>commercial/retail</b>	<b>Aff. Housing/retail</b>	<b>\$ 1,800</b>
<b>Lowell</b>	<b>Acre Coalition</b>	<b>63 Fletcher Street</b>	<b>commercial/retail</b>	<b>Aff. Housing/retail</b>	<b>\$ 2,000</b>
Lowell	City of Lowell	68 Arch Street	Machine Shop	Acre business relocation	\$ 20,000
<b>Lowell</b>	<b>City of Lowell</b>	<b>135 Billerica Street</b>	<b>Landfill/Junkyard</b>	<b>Aff. Housing</b>	<b>\$ 34,400</b>
Lowell	UAE Lowell Power, LLC	UAE Lowell Power, LLC	Railroad Right of Way	Power Plant	\$ 42,900
Lowell	LRTA	LRTA	Various Industrial	Bus/Maintenance HQ	\$ 50,000
Lowell	Edward Kelley Sheet Metal	51 Nottingham Street	Various Industrial	Sheet Metal Mfr.	\$ 8,020
Lowell	Feeley, McAnespie, Inc.	200-220 Tanner Street	Car Dealer	Roofing/Sheet Metal	\$ 6,500
Lowell	Casagrande Trust	852 Lawrence Street	Various Industrial	Office/Industrial Mix	\$ 7,000
Lynn	Greater Lynn Senior Svcs	8 Silsbee Street	Oil Depot/Retail	Senior Svcs.	\$ 5,445
Lynn	Lynn EDIC	614—624 Washington St.	Mill Complex	Artisan Space	\$ 23,500
Lynn	Lynn EDIC	217 Broad Street	Gas Station	Artisan Space	\$ 23,500
Lynn	Elder Service/N. Shore	9-37 Buffum Street	Retail Glass	Senior Services	\$ 6,295
<b>Newburyport</b>	<b>2-4 Fulton Street Trust</b>	<b>M&amp;V Electroplating</b>	<b>Manuf.</b>	<b>8 Housing Units</b>	<b>\$ 31,105</b>
<b>Newburyport</b>	<b>City of Newburyport</b>	<b>129 Merrimack Street</b>	<b>Former DPW</b>	<b>Housing/retail</b>	<b>\$ 43,800</b>
Newburyport	Boston Pie, Inc.	169 State Street	Pizza franchise	Pizza franchise/retail	\$ 6,900
<b>Newburyport</b>	<b>Ron Guertin</b>	<b>386 Merrimack Street</b>	<b>Marina</b>	<b>Housing/Mixed</b>	<b>\$ 34,000</b>
<b>Newburyport</b>	<b>Piper Properties</b>	<b>27 Water Street</b>	<b>Auto/Lumber</b>	<b>Inn</b>	<b>\$ 50,000</b>
<b>Peabody</b>	<b>A. Spaneas</b>	<b>75 Walnut Street</b>	<b>Leather Mfr.</b>	<b>Housing</b>	<b>\$ 42,200</b>
<b>Salem</b>	<b>Redmen Realty Trust</b>	<b>90—94 Washington St.</b>	<b>Commercial/Retail</b>	<b>Office/Residential</b>	<b>\$ 5,000</b>
<b>Salem</b>	<b>Salem Harbor CDC</b>	<b>34 Peabody Street</b>	<b>Various Industrial</b>	<b>Comm. Ctr/Pkg/Open</b>	<b>\$ 25,000</b>
<b>Salem</b>	<b>Salem Harbor CDC</b>	<b>15 Peabody Street</b>	<b>Various Industrial</b>	<b>Comm. Ctr/Pkg/Open</b>	<b>\$ 25,000</b>
<b>Salem</b>	<b>Glover Estates, LLC</b>	<b>483 Lafayette Street</b>	<b>Leadworks Site</b>	<b>ALF: 55 Units: 11 Aff.</b>	<b>\$ 50,000</b>
Salisbury	Fraser Pontiac, Inc.	114 Bridge Street	Car Retail/Repair	Car Retail/Repair	\$ 17,525
Woburn	Cammaratta Brothers	100 Ashburton Avenue	Tannery	Waste Disposal	\$ 48,500
Total: (49)					\$1,261,573
<b>Boston</b>					
<b>Boston</b>	<b>Dorchester Gardenlands</b>	<b>Northam Village</b>	<b>Dry-Cleaners/W elding</b>	<b>Comm./Housing 36</b>	<b>\$ 25,000</b>
<b>Boston</b>	<b>Dorch. Bay CDC</b>	<b>11-13 Humphrey Street</b>	<b>Dry Cleaner</b>	<b>Aff. Housing</b>	<b>\$ 46,600</b>
<b>Boston</b>	<b>Codman Square NDC</b>	<b>49 Norfolk Street</b>	<b>Junk Yard</b>	<b>Housing</b>	<b>\$ 22,500</b>
<b>Boston</b>	<b>JPCDC/Back Hill</b>	<b>Heath Street</b>	<b>Auto Repair/Trnsfr Sta</b>	<b>Housing</b>	<b>\$ 18,700</b>
Boston	Northland /Mission Hill	One Brigham Ci-Calumet	Comm/Retail	Office/Retail/Pkg.	\$ 10,500
Boston	Northland /Mission Hill	One Brigham Ci – Ledge	Ngbhd Comm/Retail	Office/Retail/Pkg.	\$ 23,750
<b>Boston</b>	<b>BRA</b>	<b>Parcel 8 - Ctr for the Arts</b>	<b>Service Station</b>	<b>Mixed/Housing (100)</b>	<b>\$ 50,000</b>
<b>Boston</b>	<b>BRA</b>	<b>Parcel 2- Charlestown</b>	<b>Vacant</b>	<b>21 Town Houses:7 Aff.</b>	<b>\$ 50,000</b>
Boston	BRA	Dept of Public Health	Fmr Dept. Store	DPH Headquarters	\$ 50,000
Boston	DND	10-20A, 22-30 Bowdoin St.	Repair Garage	Commercial	\$ 19,410
Boston	DND	39 Mildred Ave	electric repair shop	Community Center	\$ 48,900
Boston	DND	264 Columbia Road	Electronics Co./Market	Commty. Ctr. Or School	\$ 48,050
Boston	DND	40,48,54 Geneva Ave	Auto Repair	Recreational	\$ 49,520
Boston	DND	305-319 Talbot Ave	Auto Repair	Commercial	\$ 24,370
Boston	DND	160 Cummings Ave	Auto Mechanic	Commercial	\$ 37,250



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Boston	DND	66 Whitfield Ave	Vacant	Commercial/Open Space	\$ 26,750
Boston	Friends of the Match Sch.	Match School	Automotive	Charter School	\$ 9,500
Boston	Codman Square NDC	472 Washington Street	Service Station	Commercial	\$ 22,567
Boston	Cresset Group	511 Dorchester Avenue	Scrap Metal/JunkYd	Ofc/Retail/Pkg	\$ 50,000
Boston	Crosstown Associates	Crosstown Project	Various Industrial	Mixed: Hotel/Retail/Ofc	\$ 50,000
Boston	ME One, LLC	2430 Washington Street	Modern Electroplating	Office/Retail/Pkg.	\$ 50,000
Boston	ME One, LLC	2430 Washington Street	Modern Electroplating	Office/Retail/Pkg.	\$ 50,000
Boston	Winston Bros., Inc.	160 Cummings Ave	Tank Farm	Flower Warehouse/Dist.	\$ 50,000
<b>Boston</b>	<b>Urban Edge</b>	<b>Armory Parcel</b>	<b>Auto Use</b>	<b>ALF</b>	<b>\$ 46,500</b>
<b>Boston</b>	<b>Urban Edge</b>	<b>41 Armory Street</b>	<b>Auto/Junkyard</b>	<b>Aff. Housing/Comm.</b>	<b>\$ 45,500</b>
<b>Boston</b>	<b>Urban Edge</b>	<b>3033 Washington</b>	<b>Auto Repair</b>	<b>Charter School</b>	<b>\$ 40,000</b>
<b>Boston</b>	<b>Allston-Brighton CDC</b>	<b>33 Everett Street</b>	<b>Commercial/Industrial</b>	<b>Housing</b>	<b>\$ 37,800</b>
<b>Boston</b>	<b>Dorchester Bay CDC</b>	<b>Fenwick Gardens</b>	<b>Commercial</b>	<b>Housing</b>	<b>\$ 14,000</b>
<b>Boston</b>	<b>Hope In Dorchester, LP</b>	<b>Dorchester Lots</b>	<b>Commercial/Industrial</b>	<b>Housing</b>	<b>\$ 106,129</b>
<b>Boston</b>	<b>Combined Resources</b>	<b>115 Homes Ave.</b>	<b>Dump</b>	<b>Housing</b>	<b>\$ 40,300</b>
<b>Boston</b>	<b>DBEDC/Quincy Geneva</b>	<b>Sr. Clara Muhammed</b>	<b>Dump</b>	<b>Housing</b>	<b>\$ 430,895</b>
<b>Boston</b>	<b>Allston-Brighton CDC</b>	<b>81 Hano Street</b>	<b>Auto Repair</b>	<b>Housing</b>	<b>\$ 20,000</b>
Boston	Copper Beech Day Care	179 Amory Street	Various Mfg.	Day Care/Montessori	\$ 2,000
<b>Boston</b>	<b>Watermark Development</b>	<b>65 Cornwall Street</b>	<b>Foundry/Roofing Co.</b>	<b>Housing</b>	<b>\$ 30,500</b>
<b>Cambridge</b>	<b>Just-A-Start</b>	<b>Rindge Avenue</b>	<b>Auto/Ind.</b>	<b>Housing (100)</b>	<b>\$ 50,000</b>
<b>Chelsea</b>	<b>Chelsea Neigh. Home</b>	<b>Tudor Garage</b>	<b>Auto Body</b>	<b>Housing</b>	<b>\$ 12,000</b>
Chelsea	Cumar	291 Eastern Avenue	Marine Repair	Manufacturing	\$ 39,500
Everett	Vigor Diesel, LLC	38 Broadway	Industrial	Office Building	\$ 6,500
Everett	111 Chelsea RT	111 Chelsea Street	Service Station	Auto Detailing	\$ 15,000
Everett	Cubi, Inc.	Cubi, Inc.	Commercial	Mfr Granite Products	\$ 20,000
Framingham	Wayside/Family Youth	Lockland Avenue	Construction Yard	New organization HQ	\$ 50,000
Framingham	Casey Properties	530—532 Union Avenue	Dry Cleaner	Commonwealth Glass	\$ 46,000
Malden	MVDC	Telecom Pcl 4-9,10,17	Various Ind.	Various Comm	\$ 50,000
Malden	MVDC	Telecom City Adv. Mfg.	Various Ind.	Various Comm.	\$ 33,595
Malden	Better Comfort Living	900 Eastern Avenue	Industrial	HVAC/Mech. Contractor	\$ 18,000
Malden	Malden Redev. Authority	Boston Steel & Mfg	Muffler shop	Expansion of Mfr.	\$ 33,000
Somerville	Gangi Printing	17 Kensington Avenue	Comm./Light Industrial	Expansion of Prtg. Co	\$ 32,500
Somerville	Tage Restaurant LLC	96 Middlesex Ave	C/I Vacant	Restaurant/Office Space	\$ 18,500
<b>Somerville</b>	<b>Just-A-Start</b>	<b>299-303 Medford Street</b>	<b>C/I Vacant</b>	<b>Aff. Housing</b>	<b>\$ 25,000</b>
<b>Somerville</b>	<b>Cavallo Corporation</b>	<b>94 Vernon Street</b>	<b>Oil Transfer Station</b>	<b>Housing (6)</b>	<b>\$ 14,000</b>
Waltham	Austin Development	74 Rumford Avenue	Manufacturing	Office/Retail/Pkg.	\$ 21,000
<b>Waltham</b>	<b>MassDevelopment</b>	<b>Metropolitan St. Hosp.</b>	<b>State Hospital</b>	<b>Mixed Use Dev.</b>	<b>\$ 12,500</b>
Total: (53)					\$2,165,086

**SITE ASSESSMENTS LEADS PIPELINE (68 Projects Totaling \$2,320,250)**

TOWN	SPONSOR	PROJECT	FORMER USE	ANTICIPATED REUSE	AWARD
<b>West</b>					
Chicopee	Bergdahl	Rivoli	Downtown Cinema	Office/Retail	\$ 20,000
Chicopee	City of Chicopee	Uniroyal Tire	Tire Mfr.	Mixed Commercial/Ind.	\$ 50,000

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Erving	J. Edwards	Usher Plant	Industrial/Mill	Mixed Office/Retail	\$ 25,000
Great Barr.	CDC of S. Berkshire	New England Log Homes	Wood Treatment	Commercial/Industrial	\$ 50,000
Montague	MEDIC	Strathmore	Paper Mill	Multi-Tenant C/I	\$ 50,000
Springfield	Marc Packin	739 Boston Road	Municipal Dump	Commercial/Storage	\$ 25,000
Springfield	Ivey Industries	Expansion	Landfill	Commercial	\$ 25,000
Springfield	City of Springfield	Smith & Wesson	Gun Mfr.	Industrial Park	\$ 50,000
Springfield	Vison Graphics	Mason Sq. Expansion	Commercial/Retail	Printing Company	\$ 20,000
<b>Springfield</b>	<b>Transworld Sales</b>	<b>Bay Street</b>	<b>Scrap Yard</b>	<b>Scrap Yard</b>	<b>\$ 10,000</b>
<b>Springfield</b>	<b>Karen Parker</b>	<b>Main St./Indian Orchard</b>	<b>Service Station</b>	<b>Housing</b>	<b>\$ 6,500</b>
<b>W'mstown</b>	<b>Berkshire Housing Aut.</b>	<b>Station Mill</b>	<b>Mill Property/PhoTec</b>	<b>Mixed Comm./Housing</b>	<b>\$ 50,000</b>
Total: (12)					\$ 381,500
<b>Central</b>					
Athol	Town of Athol	Athol Library	Vacant Comm/Indust	Library Extension	\$ 7,500
Ayer	Media News Group	Nashoba Publications	Newspaper Production	Retail/Industrial	\$ 30,000
Devens	Guild of St. Agnes	Guild of St. Agnes	Commercial	Daycare Facility	\$ 10,000
Fitchburg	Guild of St. Agnes	Guild of St. Agnes	Commercial	Daycare Facility	\$ 10,000
Fitchburg	Cabo Manufacturing	1 Princeton Road	Vacant Mill	Manufacturing	\$ 50,000
<b>Fitchburg</b>	<b>Mass Innovation</b>	<b>1 Oak Hill Road</b>	<b>Industrial</b>	<b>Mixed incldg. Housing</b>	<b>\$ 50,000</b>
Fitchburg	Media News Group	Sentinel & Enterprise	Newspaper Production	Mixed C/R/H	\$ 30,000
Fitchburg	SSD Associates	491-499 Main Street	Commercial	Mixed C/R/H	\$ 30,000
Fitchburg	Sapiendi Enterprises	Dickinson Building	Mixed	Mixed C/R/H	\$ 30,000
Fitchburg	City of Fitchburg	GE Site	Former GE Industrial	Mixed Comm./Ind.	\$ 50,000
Gardner	N.E. Wooden Ware	Simplex Site	Industrial	Comm./Ind.	\$ 50,000
Gardner	City of Gardner	Library Project	Industrial Mill	Library	\$ 50,000
Gardner	City of Gardner	Gardner Little League	Furniture Mfr./Retail	Recreational Fields	\$ 50,000
Hopedale	Town of Hopedale	Draper Mill	Mill	RFP TBD	\$ 25,000
Leicester	Town of Leicester	Chapel Mill	Mill	RFP TBD	\$ 25,000
Marlboro	French Hill N.A.	Lincoln & Broad	Gas Station	Comm. Bldg. & Park	\$ 30,000
Marlboro	City of Marlboro	Frye Boot	Shoe Mfr.	Retail/Comm.	\$ 50,000
Milford	Town of Milford	Senior Center	Shoe Factory	Senior Center	\$ 50,000
Millville	Town of Millville	US Rubber	Industrial	Mixed	\$ 30,000
Millbury	White Development Corp.	65 Canal Street	Mill Conversion	Housing	\$ 30,000
N. Brookfield	Quaboag Corporation	Former Aztec Mill	Industrial Site	Manufacturing	\$ 50,000
Oxford	Swissturn	Swissturn	Industrial Land	Manufacturing	\$ 25,000
Spencer	Donald O'Clair	Northwest Road	Industrial	Mixed C/I	\$ 50,000
Templeton	James Farrell	Woodskills Building	Industrial	Microbrewery	\$ 10,000
Webster	Action Marine	311 Thompson Road	Commercial	Commercial	\$ 30,000
<b>Winchendon</b>	<b>Robt. Van Dike</b>	<b>Glen Allen Street</b>	<b>Industrial</b>	<b>Housing</b>	<b>\$ 45,000</b>
Winchendon	Town of Winchendon	Lincoln St. Properties Cinema Project/Union Station	Industrial	Planned Industrial	\$ 50,000
Worcester	Clean Start	Wall Street	Industrial	Entertainment/Movies	\$ 50,000
Worcester	Friendly House	Wall Street	Vacant Comm/Ind	Parking Compliance	\$ 15,000
<b>Worcester</b>	<b>Worcester Common Ground</b>	<b>333 Pleasant Street</b>	<b>Commercial</b>	<b>Mixed incldg. Housing</b>	<b>\$ 2,000</b>
Worcester	Guild of St. Agnes	Granite Street	Commercial	Daycare facility	\$ 10,000
Worcester	Worc. Common Grd CDC	Austin Street Site	Housing	Mixed Use	\$ 20,000

**\* PROJECTS IN BOLD-FACE TYPE REPRESENT AN END USE THAT INCLUDES A HOUSING COMPONENT**

Worcester	CMEDA	National Visitors Center	Various Ind.	State Visitor's Ctr.	\$ 50,000
Total: (32)					\$1,069,500

**North**

Beverly	City of Beverly	Hockey Rink	Various Industrial	Indoor Rink	\$ 30,000
Gloucester	Gloucester Her. Mar.	Gloucester Railway	Various Industrial	Tourism Venue	\$ 50,000
Haverhill	City of Haverhill	Former Muni. Landfill	Landfill	Municipal Golf Course	\$ 50,000
Haverhill	TBA	Stoller Building	Furniture Factory	Hi-Tech Internet Hotel	\$ 50,000
<b>Ipswich</b>	<b>Gardner Development</b>	<b>17 Hammett Street</b>	<b>Oil Depot</b>	<b>Retail/Apt. Mixed Use</b>	<b>\$ 15,000</b>
<b>Lawrence</b>	<b>City of Lawrence</b>	<b>Marston Street</b>	<b>Commercial/Industrial</b>	<b>Mixed Use</b>	<b>\$ 50,000</b>
<b>Lowell</b>	<b>Lowell Housing Auth.</b>	<b>Russell Lumber Site</b>	<b>Lumber Mill</b>	<b>Aff. Housing</b>	<b>\$ 50,000</b>
Lowell	Dutton Real Estate	Fletcher Street	Guilford Rt. Of Way	Parking/Car Wash	\$ 25,000
<b>Lynn</b>	<b>City/Housing Authority</b>	<b>170 Walnut Street</b>	<b>Municipal Waterworks</b>	<b>Aff. Housing</b>	<b>\$ 50,000</b>
Methuen	Sheer Metal	Broadway	Various Industrial	Commercial	\$ 50,000
<b>Salem</b>	<b>Salem Harbor CDC</b>	<b>Hillcrest Chevrolet Site</b>	<b>Auto Dealer</b>	<b>Aff. Housing</b>	<b>\$ 50,000</b>
Salisbury	State Street Mobil	157 Bridge Road	Gas Station	Gas Station	\$ 10,000
Lawrence	Jenks Tire	341 Merrimack Street	Auto Repair	Tire Retail	\$ 25,000
Amesbury	Boston North LLC	Microfab	Industrial	Commercial	\$ 50,000
Total: (14)					\$ 555,000

**Boston**

Boston	Crosstown Development	Crosstown II	Various Industrial	Garage	\$ 50,000
<b>Boston</b>	<b>BRC</b>	<b>Coastal Oil</b>	<b>Oil Depot</b>	<b>Housing</b>	<b>\$ 50,000</b>
Boston	BRC	Coastal Oil	Oil Depot	Commercial	\$ 50,000
<b>Boston</b>	<b>Madison Park CDC</b>	<b>Fulda Street</b>	<b>Mixed Comm/Housing</b>	<b>Housing</b>	<b>\$ 35,000</b>
<b>W. Roxbury</b>	<b>BRA/TCB</b>	<b>Boston Trailer Park</b>	<b>Clair Motors/Trlr Pk</b>	<b>Mobile Home Comm.</b>	<b>\$ 50,000</b>
Total: (5)					\$ 235,000

**South**

Brockton	Old Colony YMCA	Allen Street	Oil Company	Y Ofc/Pkg	\$ 25,000
Brockton	Bierbriar Company	Former Barbour Co.	C/I	Welding Co.	\$ 25,000
New Bedford	Franklin Recycling	Acushnet Ave.	Gas/Oil Dispensing	Ofc Space and Equip	\$ 20,000
Taunton	Assoc. for Human Svcs.	18 Reed Street	AT&T Maint.	New Offices/HQ	\$ 7,500
Wareham	Town of Wareham	Oak Grove School	School	Community Educ.	\$ 1,750
Total: (5)					\$ 79,250

**LENDING**

**REMEDIATION LOANS (23 Projects Approved Totaling \$6,639,600)**

TOWN	SPONSOR	PROJECT	FORMER USE	ANTICIPATED REUSE	AWARD
<b>Boston</b>	<b>Rollins Square RT</b>	<b>Parcel 32C</b>	<b>Vacant industrial</b>	<b>Housing/Retail/Garage</b>	<b>\$1,000,000</b>
<b>Boston</b>	<b>Hope in Dorchester, LP</b>	<b>Dorchester/Boston Hope</b>	<b>Commercial/Industrial</b>	<b>Affordable Housing</b>	<b>\$ 150,000</b>
<b>Brockton</b>	<b>Champion City Recovery</b>	<b>138 Wilder Street</b>	<b>Transfer Station</b>	<b>Transfer Station</b>	<b>\$1,000,000</b>
<b>Cambridge</b>	<b>WSQ Limited Partnership</b>	<b>21 Walden Square Road</b>	<b>Comm/Indust/Housing</b>	<b>Affordable Housing</b>	<b>\$ 193,000</b>
Chelsea	Wedge Hotels Mgmt.	Maple Hotel	Vacant/Urban Fill	Hotel	\$ 500,000
Clinton	Lincoln D. Realty Trust	High & Water Streets	Bank	Post Office	\$ 35,000

**\* PROJECTS IN BOLD-FACE TYPE REPRESENT AN END USE THAT INCLUDES A HOUSING COMPONENT**

Fall River	Fall River/MassDev.	Kerr Mill	Industrial Mill	Adv. Tech/Mfg Ctr/UMass	\$ 500,000
Fall River	M275, LLC	275 Martine Street	Mill & Die	Office	\$ 440,000
Gloucester	Cape Ann Fisheries Devel.	Jodrey State Pier	State Pier	Comm. Dev.	\$ 500,000
Haverhill	Elegant Favors	54 Kenoza Avenue	Comm./Ind.	Comm. Dev.	\$ 50,000
Lawrence	Multigrains Realty, LLC	117 Water Street	Vacant Mfg/Chop Shop	Bakery/Pasta	\$ 150,000
<b>Lowell</b>	<b>Headwall Realty Trust</b>	<b>Muldoon Oil Site</b>	<b>Tank Farm</b>	<b>Housing</b>	<b>\$ 235,000</b>
<b>Lowell</b>	<b>Pondside Limited Ptnshp.</b>	<b>506 Redwood Lane</b>	<b>Comm/Indust/Housing</b>	<b>Affordable Housing</b>	<b>\$ 292,000</b>
Lowell	Macheras Family	Macheral Service Center	Gas Station	Mixed Retail	\$ 150,000
New Bedford	Riverside Investment	194 Riverside Avenue	Clothing Mfr.	Multi-Tenant Comm/Ind.	\$ 350,000
Newburyport	Newburydom, LP	169 State Street	Gas Station	Strip Mall	\$ 30,000
North Brkfld	Crowley Fuel Co.	Storage Tank Remediation	Fuel Oil	Fuel Oil	\$ 140,000
Springfield	City of Springfield	York Street Jail	Jail	Mixed	\$ 27,300
Uxbridge	Depot Street Associates	Bernat Yarn Mill	Yarn Mill	Office/Industrial Mix	\$ 125,000
<b>West Groton</b>	<b>Town of Groton</b>	<b>Leatherboard Mill</b>	<b>Industrial Mill</b>	<b>ALF</b>	<b>\$ 82,300</b>
Worcester	Putnam Lane Realty, Inc.	15 Putnam Lane	Various Industrial	Golf Range	\$ 200,000
<b>Worcester</b>	<b>Prescott Holdings, LLC</b>	<b>Prescott St./Adj. to Gateway</b>	<b>Various Industrial</b>	<b>Comm/Ret/Housng</b>	<b>\$ 200,000</b>
<b>Worcester</b>	<b>Gateway Park, LLC</b>	<b>Prescott Street</b>	<b>Various Indust.</b>	<b>Comm/Ret/Housing</b>	<b>\$ 350,000</b>
TOTAL: (22)					\$6,639,600

**REMEDIAATION LEADS PIPELINE (8 Projects Totaling \$1,760,000)**

TOWN	SPONSOR	PROJECT	FORMER USE	ANTICIPATED REUSE	AWARD
Brockton	GeoTek Engineering	465 Montello	Former DPW	Indust/Office	\$ 200,000
Brockton	WB Mason	70 Battles Street	Textile Mfg.	Distribution Center	\$ 500,000
Chicopee	Chicopee Industrial Center	Chicopee Street	Rigging Co.	Expansion	\$ 200,000
Easthampton	MM, LLC	Eastworks	Industrial	Office/Mfg	\$ 50,000
<b>Lowell</b>	<b>Princeton Properties</b>	<b>678 Princeton Blvd.</b>	<b>Vacant Industrial</b>	<b>Housing</b>	<b>\$ 100,000</b>
Lowell	Casagrande Family Trust	852 Lawrence Street	Various Industrial	Office/Industrial Mix	\$ 160,000
Dighton	Taurus NE Investment Corp.	628 Spring Street	Mill Buildings	Office/Warehouse	\$ 400,000
Worcester	Plate and Patch Corp.	Ballard Street	Industrial	Business Expansion	\$ 150,000
TOTAL: (8)					\$1,760,000

\* PROJECTS IN BOLD-FACE TYPE REPRESENT AN END USE THAT INCLUDES A HOUSING COMPONENT

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**MASSDEVELOPMENT CASE STUDIES**  
**Brownfields Redevelopment Fund (BRF) Program**

**31-35 Railroad Avenue -- Haverhill**

In October 2000, the City of Haverhill was awarded \$22,500 in brownfields site assessment funding for three City-owned parcels totaling 4.8 acres that were acquired through the tax title foreclosure process. This award was used to conduct a Phase I and II environmental site assessment at 31-35 Railroad Avenue, across the street from the Bradford MBTA Commuter Rail station and located on the banks of the Merrimack River. The site is now wooded and unoccupied. Historically, the property has been occupied by the following entities: a hat factory, oil depot, shoe heel manufacturer, paint factory, and other uses involving chemicals, plastics, and concrete.

A recent area housing needs assessment indicated a critical need for both market and affordable rental units. The proposed end use of the site is a mixed-use building that would include affordable housing rental units, as well as public access and possibly a marina on the river. The City intends to work with a non-profit developer in acquiring, constructing and managing this project in a manner consistent with the City's revitalization and affordable housing goals. The total project cost is estimated at \$10.1 million (excluding remediation costs). This figure is preliminary and is based on construction of an 80,000 square foot building consisting of 70 apartment rentals and 10,000 s.f. of commercial rental space. Sources of funds include the City's federal HOME, Community Development Block Grant (CDBG), Department of Housing and Community Development (DHCD) funding including close to \$5 million in Low Income Housing Tax Credits, as well as federal Home Loan Bank funds. This project will contribute to the revitalization of this downtown area, due to its location adjacent to the renovated T commuter rail station. This station is one of the few stops on the new Boston-Portland Maine line. The City fully supports the creation of new affordable housing units as the appropriate reuse of this site. The Haverhill Housing Partnership also supports the project.

Ransom Environmental Consultants, Inc. of Newburyport conducted the site assessment activities. The final report concluded that there were no reportable concentrations of any 21E substances and so there was no obligation to report any findings to DEP. With the perception of contamination now eliminated, the City will proceed with a Request for Response (RFR) process and is anxious to find an interested party that can expedite the redevelopment of this site into much-needed affordable housing.

**Central Massachusetts Machine Company, Inc. - Holyoke**

The Central Massachusetts Machine Company (CMMC) performs contract machining, concentrating in large-scale machine parts and employs 40 people in Holyoke. The company has outgrown its current facility and is planning a 15,500 square foot addition to house new manufacturing machinery in a \$2.4 million expansion project this summer. The project will add nine new jobs, at least five of which will be for low-to moderate-income residents in this ETA.

In 1998, the City of Holyoke foreclosed on two tax-delinquent contaminated parcels adjacent to the company's existing manufacturing facility and demolished the dilapidated structures on

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those parcels. The City Council has since accepted CMMC's offer to purchase the two parcels to accommodate CMMC's expansion plans. The offer was conditioned upon the City's ability to deliver the properties clean.

Site assessment at this property revealed contamination in soil samples and contaminants exceeding reportable concentrations in the groundwater. The City received a proposal to conduct additional soil and groundwater sampling, as well as for the excavation and disposal of approximately 25 tons of soil. Additional assessment activities and soil removal costs were estimated at \$12,190.

Holyoke sought assistance from MassDevelopment through the BRF to make this deal happen. The City has already forgiven over \$62,000 in back taxes, and has invested an additional \$46,000 in demolition costs. The City will also contribute \$30,000 for a proposed sewer extension. The company has already spent over \$50,000 for the acquisition and demolition of an adjacent parcel to accommodate the expansion.

The \$12,190 advanced from the BRF will leverage approximately \$2.4 million in private investment by a manufacturer in an economically distressed area of the Commonwealth. The company will grow its employment figure by more than 20%. Finally, two brownfields sites in close proximity to downtown Holyoke will return to productive reuse and will be back on the municipal tax rolls.

### **Eye Health Vision Center, LLC – Fall River**

MassDevelopment approved an initial Brownfields Site Assessment award in the amount of \$20,800 for Phase I & II environmental testing on a land parcel located at 240 Hartwell Street in the City of Fall River. This three-acre site contains an old vacant mill building and adjacent open space. The project is sponsored by the Eye Health Vision Centers, LLC based in North Dartmouth.

This three-acre parcel adjacent to Interstate-195 has a blighting influence on the neighborhood. The site is approximately one mile west of the Kerr Mill complex. The five-story building on site has been vacant since 1998. The site was developed originally as a cotton mill and has been more recently has been used as a clothier mill. The area is undergoing renewed revitalization and business growth evidenced by the construction of a new Applebee's Restaurant, Walgreen's Pharmacy and Stop & Shop. Located to the south of the parcel is the Tecumseh Mill Elderly Apartments.

Eye Health is an integrated ophthalmic practice with 164 employees in operation for 25 years. The firm provides a full range of professional services and currently has operations in Dartmouth, Fairhaven and Taunton. The project calls for the development of a new 6,000 to 10,000 square foot state-of-the-art center for eye medical professionals. The company anticipates 33 construction jobs and, once the facility is operational, the creation of an additional seventeen professional and clerical positions. The Zoning Board of Appeals has approved the plans and it is projected that the project should be underway this spring. A request for an additional \$5,000 was granted to perform an assessment that was not covered in the original request, bringing the total assessment awarded for this project to \$25,800.

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## **Main South CDC's Kilby Gardner Hammond Project -- Worcester**

The Main South Community Development Corporation (MSCDC) is a non-profit, neighborhood based organization that is using MassDevelopment Predevelopment Assistance funds to develop a master reuse plan for the Kilby-Gardner-Hammond neighborhood in the south section of Worcester. The project involves the assembly of roughly 65% of the neighborhood made up of approximately 42 vacant properties, 13 commercial and industrial properties and 70 residential properties.

With the master plan approximately 50% complete, the MSCDC will proceed with one major component of the plan. They are acquiring two of the largest industrial parcels in the neighborhood so they can proceed with environmental work at each site. The properties will then be transferred from the CDC to the end users: Clark University, for expansion of their athletic fields, and the Worcester Boys and Girls Clubs, to house their new facility. MassDevelopment brownfields site assessment funding is being used specifically for initial subsurface assessments on the two large parcels: the former Gottlieb Foundry, which dates back to the early 1900's located at 65 Hollis Street, and the Salitsky Alloys site at 65 Gardner Street. Funds to remediate the sites will be sought through the City's EPA Pilot Grant program and MassDevelopment.

The final components of the study enables MSCDC to proceed with a neighborhood's housing rehabilitation plans for over 70 units of housing for low-to moderate-income families. MSCDC will also undertake the rehabilitation of the remaining commercial structures in an effort to stimulate job opportunities for the immediate population.

## **The Austin Development Group -- Waltham**

The Austin Development Group was awarded \$13,000 in brownfields site assessment funding for the purpose of conducting an environmental review of the property located at 74 Rumford Avenue in the Island Neighborhood of the City of Waltham. The area is a small industrial, commercial and residential neighborhood. The development plan calls for the acquisition and rehabilitation of the building and property into office space and parking. The site is approximately 1.3 acres and sits on the banks of Cram's Cove, an estuary of the Charles River. The estimated cost of this redevelopment project is \$7.3 million.

The building was built at the turn of the century as the manufacturing facility for O'Hara Waltham Dial Company. Between the 1950s and 1980s it was occupied by R.W. LeBaron, manufacturer of traffic signal lights. The current owner, Pantos Corporation, manufactures canvas bags and other canvas products. Currently, the Pantos Corporation only operates on the first floor of this three-story building. The site is located in a mixed residential/commercial neighborhood on the Waltham/Newton line. Recent improvements and new construction have occurred on many of the surrounding properties. This particular parcel is known to have had environmental issues in the past and has tracking numbers with the DEP.

The neighborhood association, ward alderman, and planning board have expressed support for the project. Austin Development refurbished the building at 77 Rumford Ave a few years ago

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and worked with the neighborhood during renovations. They are interested in obtaining a brownfields remediation loan if the site assessment indicates an economically viable cleanup can occur.

### **Codman Square -- Boston**

Codman Square Neighborhood Development Corp received an award of brownfields site assessment funding in the amount of \$22,567 for the purpose of testing the former gas station located at 472 Washington Street in the Dorchester neighborhood of Boston. The parcel is a relatively small lot, 5450 square feet, but occupies a prominent location in the business district. The building has been vacant since the mid-90s and is a blighting influence on the business district as well as on the neighboring residential area. Codman Square CDC intends to rehabilitate the site and sell the property to a local neighborhood-based business that will create jobs and restore the parcel to productive use in this vibrant Main Street District.

Initial testing indicates underground storage tanks and piping were present from former service station use. The tanks have been removed and the LSP has indicated further testing will be necessary to determine the appropriate action, if any, to remediate and close out the site. The LSP will propose and determine the scope of services necessary to finish the assessment. The CDC may request additional assessment funds. MassDevelopment will continue to work with the CDC as the process unfolds.

### **Gateway Park Redevelopment – Worcester**

MassDevelopment has approved two brownfields redevelopment loans totaling \$550,000 for separate development entities participating in Worcester's 55-acre Gateway Park Redevelopment. Gateway Park LLC and Prescott Holdings LLC are undertaking the project. The project location is at the northern edge of the City's Central Business District in an area that includes several well-known cultural and educational institutions. The corridor also borders high-end market rate condominiums and luxury apartments. There has been a recent infusion of private investment in the area as the Marriott Corporation recently opened a 130-room "Courtyard by Marriott" adjacent to the parcels in question. The Northworks, a successful redevelopment of an 80,000 square foot manufacturing facility into a mixed-use commercial property, is also adjacent to the subject parcels. The property has a history of industrial use including the manufacture of steel and wire products, a lumber storage yard and a rail yard as surrounding uses.

The Gateway Park LLC project consists of six land parcels totaling 7.5 acres on Grove and Prescott Streets. MassDevelopment first participated in the acquisition financing for the project through a \$3.3 million loan shared on a 50-50 basis with Flagship Bank, as well as a \$500,000 loan guarantee. MassDevelopment also provided \$49,561 for Phase I and II site assessments, and \$50,000 in predevelopment funding to assist in the master planning activities for the project area. The results of the site assessment prompted the Gateway Park LLC to request an additional \$350,000 from the BRF for remediation. The remediation loan will ultimately result in a Response Action Outcome (RAO) Statement on all of the parcels, with an Activity and Use Limitation (AUL) on two of the parcels. To further mitigate any potential future liability, Gateway



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has provided the lenders with an environmental insurance policy through AIG Insurance using the Commonwealth's Brownfields Redevelopment Access to Capital (BRAC) Program. In addition, there is a stopgap provision in the policy that will fund any cleanup costs in excess of \$600,000 (twice the amount estimated by the environmental consultants). Once a master plan has been developed and presented to the City for its review and approval, it is anticipated that several potential uses of the surrounding area will be pursued, including office space, research and development laboratories, academic uses, and commercial and/or retail establishments.

The Prescott Holdings LLC parcels at 84, 85 and 89 Prescott Street lie adjacent to the Gateway Park parcels. Phase I and II site assessments were conducted on these parcels with the assistance of approximately \$33,400 in site assessment funds from the Fund. The results of the assessment generated an additional request for funding in the amount of \$200,000 to remove oil and other hazardous substances, allowing the project to proceed with development on a clean site. All three properties suffered from severe vacancy rates and deferred maintenance. The buildings at 84 and 89 Prescott have been demolished and will be used for parking for the successful Northworks project, as well as the redevelopment now underway at 85 Prescott. The building at 85 Prescott consists of nearly 80,000 square feet of rentable space on four floors. Tenants are expected to include: the Massachusetts State Lottery; the Medical Bureau of Economics; and Worcester Polytechnic Institute. The project is expected to leverage nearly \$6 million in new investment and the creation of 50 new jobs for the City of Worcester.

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**MASSBUSINESS PROJECT SUMMARY**  
**Brownfields Redevelopment Access to Capital (BRAC) Program**

<b><u>Borrower/Developer/ Lender</u></b>	<b><u>Location</u></b>	<b><u>Property Use</u></b>
IKEA Property, Inc.	Somerville	Retail
Washington 320, LLC	Boston	Medical Office
JEB Group, LLC	Boston	Warehouse/Office
Fard Realty	Lawrence	Light Mfg.
Multigrain Realty, LLC	Lawrence	Bakery
70 Quincy Ave., LLC	Quincy	Bank Branch
Fellsway Development, LLC	Stoneham	Medical Center
Vernon Realty Trust	Marston Mills	Retail
Transcomm Realty Trust	Woburn	Office
Grove Willow LLC	Waltham	Telecom. Center
Urquhart Family, LLC	Gardner	Warehouse
So. Lincoln Realty, LLC	Gardner	Manufacturing
218 West First St., LLC	Boston	Office
Jihad Imahd	So. Yarmouth	Gas Sta. to Retail
Mass Devel. Finance Agcy.	Fall River	Research Lab
New Millennium Ventures, LLC	W. Plymouth	Retail Space
Mosely Realty, LLC	Franklin	Food Mfg.
Whitewater Realty Trust	Chelmsford	Church
Prescott Gateway Park, LLC	Worcester	Office
Lowell Transit Auth.	Lowell	Transit Terminal
Kendall Crescent/Salem Five	Brookline	Residential/Office
KT Realty Trust	Acton	Storage
Omega Realty, LLC	Littleton	Lumber Yard
Westmount Properties, LLC	Allston	Office
Symes Associates, Inc.	Medford	Residential
28 Andover St., LLC	Andover	Residential
Nexcom Partners	Watertown	Office
Crowley Fuel	Braley	Garage Facility
Family Services, Inc.	Lawrence	Office
Church Street Partners, LLC	New Bedford	Office
TJ&W Residential	Amesbury	Residential
Amesburyport Corporation	Amesbury	Residential
Medford Bank	Everett	Trans. Terminal
Town of Dennis	Dennis	Open Space
Third Street Realty Corp.	Everett	Truck Terminal
Town of Groton/RiverCourt L.P.	W. Groton	Elder Residence
Cordage Park Devel. LLC	W. Plymouth	Retail/Commercial
Great Foods Realty Trust	So. Yarmouth	Restaurant
Ag/GFI Worcester, Inc.	Worcester	Manufacturing
Adamson Industries, Inc.	Lawrence	Whol./Retail
Dedham Stoneleigh, LLC Dedham	Dedham	Residential
Mass Investment Realty Trust	Boston	Warehouse
GF Industries	Worcester	Manufacturing

119 Foster Street LLC  
 Jay Cashman, Inc.  
 Woods Hole Steamship Auth.  
 Product Resources  
 Kilburn Isotronics  
 Center for the Arts – Natick  
 Brookside Terrace Associates L.P  
 Rose Willow, LLC  
 Americo I LLC  
 Xinetics  
 A. Textile, Inc  
 Ellis D. Atwood/Edaville Railroad  
 65 Bay Street LLC  
 H&N Associates LLC  
 Franklin Regional Council of Govts.  
 Specialty Materials  
 Urban Edge Dev. Corp  
 RAO Bros  
 1750 Realty  
 Samuels & Assoc. LLC  
 VERC  
 Greenfield/TRW/Kenmetal  
 Dan Hostetter  
 Vicar Realty Corp  
 O'Connell Worcester, LLC  
 GFI Littleton  
 Necco  
 Sisters of Mercy of America  
 Pella Windows  
 1601 Beacon Street, LLC  
 Wild Horse Café LLC  
 The Drucker Co. Ltd  
 Vinco Properties  
 Verc Enterprises  
 Congress Group Ventures  
 Edward Sokoloff  
 St. Botolph Asst. Living ptnrs  
 Manufacturer's Life Ins  
 Bassam Haidar  
 Vietnamese Community Ctr  
 TWM Realty  
 M.Panagakos  
 Master Pie, Inc  
 150 Magnolia Ltd Prtnshp  
 Hearthstone Realty, LLC  
 M. Panagakos  
 Brookline Barn, LLC.

Peabody  
 Fall River  
 Fairhaven  
 Beverly  
 Chartley  
 Natick  
 Southbridge  
 Somerville  
 Worcester  
 Devens  
 Lawrence  
 Carver  
 Dorchester  
 Chelsea  
 Colrain  
 Lowell  
 Roxbury  
 Waltham  
 W. Yarmouth  
 Boston  
 Boxborough  
 Greenfield  
 Osterville  
 Westborough  
 Worcester  
 Littleton  
 Revere  
 Worcester  
 Fall River  
 Brookline  
 Beverly  
 Boston  
 Brookline  
 Boxborough  
 Wayland  
 Boston  
 Boston  
 S.Boston  
 Swansea  
 Dorchester  
 Somerset  
 New Bedford  
 Newburyport  
 Dorchester  
 Andover  
 Dartmouth  
 Brookline

Manufacturing  
 Office/Mfg.  
 Maint. Facility  
 Manufacturing  
 Manufacturing  
 Recreational  
 Afford. Housing  
 Office Space  
 Retail  
 Manufacturing  
 Comm. Laundry  
 Recreational  
 Office Park  
 Manuf./Office  
 Open Space  
 Mfg.  
 Res. Comm'l  
 Dry Clnr conv to retail  
 Commercial Laundry  
 Retail/rest  
 Gas station/Conven. Store  
 Commercial/Residential  
 Gas Station  
 Manufacturing  
 Mfg. Conv to retail  
 Ret/Ofc  
 Mfg & Whse  
 Wom & Children's shelter  
 Manufacturing  
 Gas Station/Condos  
 Restaurant  
 Comm/Res./Theatre  
 Garage/Class A Office  
 Abandoned Gas Station  
 Office Park/Day Care  
 Restaurant/Residential  
 Assisted Living  
 Class A Office  
 Gas Station  
 Abandoned/Cultural Ctr.  
 Commercial/Residential  
 Abandoned Gas Station  
 Abandoned/Comm'l Bakery  
 Dumpsite Conv. Res.  
 Old Age Housing  
 Abandoned Gas Station  
 Garage/Office

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Mountainview Estates

Malden

Affordable Housing

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## **BRAC PROGRAM – PARTICIPATING LENDERS**

Andover Bank  
Barre Savings Bank  
Bank of Western Massachusetts  
Bay State Savings Bank  
Berkshire Bank  
Boston Community Loan Fund  
Boston Private Bank  
Cape Cod Bank and Trust  
Capital Crossing  
Charter Bank  
Citizens Bank  
City Savings Bank  
Commerce Bank & Trust  
Compass Bank  
Credit Suisse/First Boston  
Danvers Savings Bank  
Eastern Bank  
Easthampton Savings Bank  
Everett Cooperative Bank  
Fall River Five Cents Savings Bank  
First Essex Bank/BankNorth Group  
First Federal Savings Bank of America  
First Massachusetts Bank  
Flagship Bank & Trust  
Fleet Boston Financial (Incl. BankBoston)  
Framingham Cooperative Bank  
Gloucester Bank & Trust  
Greenfield Cooperative Bank  
Hoosac Bank  
Ipswich Bank  
Lawrence Savings Bank  
Lehman Brothers  
Lenox Savings Bank  
Mass Business Development Corp  
Massachusetts Cooperative Bank  
Mass Development Finance Agency  
Mass Housing Investment Corp.  
Medford Bank  
Medford Cooperative Bank  
Milford National Bank  
North Brookfield Savings Bank  
North Shore Bank  
Norwood Cooperative Bank  
Pittsfield Cooperative Bank  
Provident Bank

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Rockland Trust  
Salem Five Cents Bank  
Savers Cooperative Bank  
Slade's Ferry Bank  
South Shore Cooperative Bank  
Sovereign Bank  
Webster 1<sup>st</sup> Federal Credit Union  
Westborough Savings Bank  
Westfield Bank  
Woronco Savings Bank

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**MASSBUSINESS SELECTED CASE STUDIES**  
**Brownfields Redevelopment Access to Capital (BRAC) Program**

**Center for the Arts -- Natick**

The Natick Center for the Arts wished to purchase an abandoned City of Natick Fire Station built in 1875 to house their new center for performing and visual arts. Since an earlier environmental report identified the need for further testing of the site, the Center obtained a site assessment loan from MassDevelopment to fully characterize the site. The Center and Town plan to remediate contamination identified by this study. The availability of environmental insurance to protect the parties from liability claims and excess cleanup costs will allow the Center to proceed with the \$1.8 million rehabilitation of the property, restoring the site to full use.

**Upper Mill Site -- Colrain**

The "Upper Mill," located in Colrain Massachusetts, was over 100 years old when it was destroyed by fire in 1987. Since that time the decaying shell of the facility represented an eyesore in the heart of the Town and was the source of considerable lead and asbestos contamination. Town officials, working with representatives of regional (Franklin Regional Council of Governments -- FRCOG), state (DEP and DHCD), and federal (EPA) governments, were able to obtain funding for a site assessment to fully characterize the environmental condition of the site that contains oil, lead and asbestos contamination. Funding for the demolition of the building and cleanup of the site was committed by FRCOG on the condition that environmental insurance could be obtained to protect the Town and the lender from environmental liability and additional cleanup costs. BRAC insurance provided the required protection, allowing the loan to be made. The project will create clean open space at the formerly contaminated site.

**Massachusetts Co-Operative Bank - Mass. Investment Realty Trust -- Boston**

The site is located in a mixed-use (residential, light industrial, commercial) area in Roxbury. Since the 1960's, this site housed a filling station and a truck storage/repair facility. In 1998, upon removal of USTs at the site, petroleum and lead contamination was detected in the soil and groundwater. Response actions were undertaken to remove 220 tons of contaminated soil and clean and filter 48,000 gallons of groundwater. Response actions were completed in March 2000 and an Activity and Use Limitation (AUL) was placed on the site. The owner sought financing to rehabilitate the property for a new tenant but due to the history of contamination, banks were reluctant to provide financing. The Massachusetts Co-Operative Bank obtained BRAC Secured Creditor insurance to cover losses from any additional contamination that may be found on the site and was able to provide \$400,000 in financing. These funds, together with \$135,000 invested by the owner, enabled the rehabilitation of this site as a van terminal and warehouse facility that employs 18 people.

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### **Sovereign Bank - Jay Cashman, Inc. -- Fall River**

The site of a former Shell Oil terminal facility in Fall River has been vacant and the subject of on-going environmental cleanup activity. Jay Cashman, Inc. wished to purchase the 68-acre site to construct a storage facility and a new 58-acre Marine Industrial Park. Shell indemnified the purchaser against the \$300,000 in remaining clean up costs, and for liability from known site contamination. Due to the history of the site, however, both the developer and its lender, Sovereign Bank, required protection for potential cleanup costs and liability that might arise from any unknown conditions. Through the BRAC Program, insurance for both borrower/developer and lender was provided. This allowed the \$4.1 million development to go forward and will result in the creation of 150 jobs in the Fall River area when the industrial park is complete.

### **Woods Hole/Martha's Vineyard/Nantucket Steamship Authority -- Fairhaven**

Woods Hole Steamship Authority identified a site in Fairhaven for construction of a new vessel maintenance facility. Due to existing site contamination and high-risk past uses of the site, the Authority was reluctant to proceed with the purchase and site development without protection from cost overruns on the cleanup and from potential pollution legal liability. Insurance coverage for both of these risks was made available through the BRAC Program allowing the Authority to proceed with the \$2.8 million purchase and \$149,000 clean up. Initial development expenditures on the site will be approximately \$1.2 million with \$2 - 4 million in additional development expenditures planned over the next four years. The first phase of the project will result in the creation of 30 to 70 jobs (seasonally) in the Fairhaven area.

### **Danvers Savings - Product Resources, Inc. -- Beverly**

The site of a former Varian facility in Beverly was vacant and the subject of on-going environmental cleanup. Product Resources, Inc. desired to purchase and rehabilitate the facility to house the company's expanding operation. Though the company was indemnified against additional cleanup costs and liability by Varian, the bank sought to strengthen and lengthen the protection as a condition of the financing. The availability of Secured Creditor Environmental coverage through the BRAC Program provided the needed protection to the bank and allowed the project to go forward. This resulted in the retention of 33 existing jobs in Beverly, the addition of 12 new jobs, and the expenditure of \$2.1 million in development funds.



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**OFFICE OF THE ATTORNEY GENERAL SELECTED CASE STUDIES**  
**Brownfields Covenant Not to Sue Program**

**Case Studies**

**Fitchburg Redevelopment Authority -- Fitchburg**

The Office of the Attorney General entered into a Brownfields CNTS with the Fitchburg Redevelopment Authority (FRA). The FRA plans to redevelop a 14-acre site formerly owned by General Electric (GE). This property includes nearly 300,000 square feet of office and manufacturing space in Fitchburg. The FRA plans to redevelop the vacant site into industrial and office components, which could lead to the creation of over 400 new jobs for the city and generate more than \$10 million annually in new payroll dollars.

The proposed redevelopment would also lead to the creation of open space. A riverwalk, an amenity that has been identified as a desirable in the City of Fitchburg's "Urban Redevelopment Plan", may also be incorporated into this design. The physical revitalization of the property will improve blighted conditions created by this abandoned manufacturing complex that is located in the center of an urban business district.

This redevelopment project is important because it represents an unprecedented transfer of property from GE. If successful, it may encourage GE and other large corporations to pursue similar efforts at other dormant facilities across the Commonwealth.

**Lowell Regional Transit Authority -- Lowell**

The Office of the Attorney General has entered into a Brownfields CNTS with a private real estate developer in the City of Newburyport to revitalize a 38,000 square foot parcel located in close proximity to residential areas. The M&V Electroplating Company operated the plant from the 1950's until 1995, when the company went into bankruptcy. The abandoned site became blighted and vandalized in the following years, causing problems for neighboring residents.

In exchange for liability protection under the CNTS, the Fulton Street Realty Trust (FSRT) has cleaned up the former electroplating facility and redeveloped it into eight condominium units that complement the style and character of the surrounding neighborhood. This project has provided numerous public benefits: demolition and removal of deteriorated industrial buildings; cleanup of a disposal site; construction of residential units; installation of a new sewer line; granite curbing; and a sidewalk and fire hydrant. In addition, the City of Newburyport has been paid back real estate taxes, and back sewer fees and fines.

**Urban Edge -- Roxbury**

The Office of the Attorney General has entered into a Brownfields CNTS with the UED Corporation, a subsidiary of Urban Edge Housing Corporation, (Urban Edge) to facilitate their redevelopment of an abandoned property formerly used as an auto body repair shop in Roxbury. Urban Edge will demolish a 24,000 square foot building on the site, remove two abandoned 500-gallon underground gasoline storage tanks and remediate associated

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contaminated soil. Urban Edge intends to redevelop the vacant site for commercial and housing development.

### **Greenfield Tap and Die Plant -- Greenfield**

The Office of the Attorney General and DEP worked together to accommodate the needs of both public and private parties to provide liability relief to the Town of Greenfield in their cleanup of the Greenfield Tap and Die Plant. An Administrative Consent Order (ACO) between the Town of Greenfield and the Commonwealth played an important role in the settlement of the complex issues that existed between TRW, Inc., Greenfield Industries, Inc. and the Town of Greenfield. The liability relief provided through the ACO will facilitate the redevelopment of this blighted 14-acre parcel for commercial, light industrial and/or housing development.

### **Manchester Street-- Lowell**

The Office of the Attorney General has entered into a Brownfields CNTS with an affordable housing developer in Lowell. The developer plans to cleanup a 90,000 square foot site and construct 6 to 12 residential housing units, a portion of which will satisfy affordable housing standards.

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## **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

### **Technical Assistance Project List**

#### **PROJECTS IN DEP'S WESTERN REGION**

<b><u>Project Name</u></b>	<b><u>Project Location</u></b>
Hampshire College	Amherst
Franklin-Ware Fuels	Buckland
Bay State Wire Co.	Chicopee
Chicopee Industrial Contractors	Chicopee
Green Meadow Lane	Chicopee
Former Halmar Warehouse	Chicopee
Uniroyal Tire	Chicopee
Delta Park (Depot St. Ponds)	Chicopee
Chicopee River Technology Park	Chicopee/Springfield
AF&F	Colrain
Beloit Corporation	Dalton
Callahan Trucking	Dalton
Ferry Street site	Easthampton
N.E. Log Homes	Great Barrington
Greenfield Tap & Die	Greenfield
Former Tremblay Barrel	Hatfield
600 Main Street	Holyoke
Xidex	Holyoke
Former Mt. Tom ski area	Holyoke
Former Highland Service Center	Holyoke
Former Scott Graphics	Holyoke
Former Omega Processing	Monson
Mill #1	Monson
Northampton Cutlery	Northampton
Fire Station	Northampton
Northampton State Hospital	Northampton
Brownfields Site Inventory	Pioneer Valley
Perlman Recycling	Pittsfield
Former Mr. Stripper	Southampton
Basketball Hall of Fame	Springfield
Taylor St. Lot #8	Springfield
Chapman Valve/Crane Co.	Springfield
Smith & Wesson	Springfield
Gemini Corp.	Springfield
Quantum Machine Staining	West Springfield
Morin Manufacturing	West Springfield
Hart-Conn Limited partnership	West Springfield
Filmtech	Westfield

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Photech Imaging

Williamstown

**PROJECTS IN DEP'S CENTRAL REGION**

**Project Name**

**Project Location**

Mass 10 Truck Stop

Auburn

Town of Clinton

Clinton

Fuller Mills

Clinton

Armory Packaging Corp.

Clinton

Former Webster Lens

Dudley

Deary Brothers

Dudley

17 Simonds Road

Fitchburg

Former Central Steam

Fitchburg

General Electric

Fitchburg

Former Conant Ball Factory

Gardner

Corion Corp.

Holliston

Bird Property

Holliston

Draper Landfill

Hopedale

Worcester Spinning

Leicester

Self-storage facility

Littleton

Space Age Electronics

Marlborough

Beam Tube

Milford

Route 146 Project

Millbury/Worcester

Aztec Industries

N. Brookfield

Various sites

Oxford

Rutland State Hospital

Rutland

Fisherville Mill

Grafton

Tudor Motel

Shrewsbury

American Optical

Southbridge

Bernet Mill

Uxbridge

Former Anglo Fabrics

Webster

Westborough State Hospital

Westborough

Medical City

Worcester

S. Worcester Industrial Park

Worcester

Gardner Kilby Hammond Street Project

Worcester

Central Oil

Worcester

Marriott Hotel

Worcester

Reed & Prince Co.

Worcester

399 Southbridge Street/Fmr Getty Station

Worcester

Former Friendly's Restaurant

Worcester

Former Coes Knife

Worcester

Prescott Street

Worcester

Former Barstow Corp.

Worcester

Office Building

Worcester

Main South Sites

Worcester

Wyman-Gordon

Worcester

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Elpakco Inc	Worcester
Patriot Metals	Worcester
Cincinnati Milacron	Worcester
Shrewsbury St. Driving Range	Worcester

#### **PROJECTS IN DEP'S NORTHEAST REGION**

<b><u>Project Name</u></b>	<b><u>Project Location</u></b>
Microfab	Amesbury
Chatham Furniture	Amesbury
Beverly Airport	Beverly
Former Beverly Shoe	Beverly
Modern Electroplating	Boston
Lewis Chemical	Boston
Boston Convention Center	Boston
Proposed school, Columbia Road	Boston
Coastal Oil	Boston
Cambridge Research Park	Cambridge
100 Pacific St.	Cambridge
Hotel development	Chelsea
Northeast Petroleum	Danvers
Everett Gateway	Everett
Telecom Qty	Everett/Malden/Medford
Gloucester Marina	Gloucester
Waveland Service Station	Hull
Lawrence Gateway	Lawrence
Merrimack Corridor Project	Lawrence
Everett Mills	Lawrence
New Balance Distribution Center	Lawrence/Andover
Assets site, Market St.	Lowell
Oil depot, Manchester St.	Lowell
Various sites	Lowell
School	Lowell
UAE Power Co.	Lowell
Various sites	Lynn
Medford Rustproofing	Medford
Sterling Supply	North Reading
C.J. Partnership	Quincy
General Dynamics	Quincy
S. Weymouth Naval Air Station	S. Weymouth
Flynntan Site	Salem
Salem Lead Works	Salem/Marblehead
Ikea Retail Store	Somerville
Harvard Pilgrim Headquarters	Wellesley
Industriplex	Woburn

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**PROJECTS IN DEP'S SOUTHEAST REGION**

<b><u>Project Name</u></b>	<b><u>Project Location</u></b>
Perx Products	Abington
Balfour Company	Attleboro
Finberg Field	Attleboro
Walton & Lonsbury	Attleboro
Packaging Industrial Group	Barnstable
Grossmans	Bourne
Bridgewater Corp/EOTC	Bridgewater
Bix Stripping	Bridgewater
Montello Auto Body	Brockton
Footjoy/Kingsize property	Brockton
Quinn Freight	Brockton
New Trial Court Location	Brockton
Bargaineer	Brockton
North Carver Landfill	Carver
Elm Street Café	Dartmouth
The Ledge	Dartmouth
Zeneca/ICI Americas Facility	Dighton
Precise Engineering	East Bridgewater
Eastern States Steel	East Bridgewater
Neighborhood Service Station	Eastham
Kerr Mills	Fall River
275 Hartwell Street	Fall River
7 Oregon St.	Fall River
Truesdale Hospital	Fall River
Cocaset Street	Foxboro
Wrentham State School	Foxboro
Fireworks I	Hanover
Boston Whaler	Hanover
Halliday Graphics	Hanover
Plymouth County Hospital	Hanson
Airport Motors	Hyannis
Lakeville State Hospital	Lakeville
Wife & I Service Station	Lakeville
Lowell Regional Transit Authority	Lowell
Hercules Dump	Mansfield
Hatheway Property	Mansfield
Augat	Mashpee
Roy Property	Mattapoisett
Middleboro Plating	Middleboro
Gurney Lot	Middleboro
Nantucket Electric	Nantucket

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McCoy Field	New Bedford
Stanley Oil	New Bedford
Pierce Mill	New Bedford
NSTAR facility	New Bedford
New Bedford Rail Yard	New Bedford
CSX Rail	New Bedford
Payne Cutlery	New Bedford
Morse Cutting Tools	New Bedford
Polymerine Inc.	New Bedford
Tallyrand	New Bedford
Commonwealth Electric	New Bedford
Dartmouth Finishing	New Bedford
M & V Electroplating	Newburyport
Dexter St.	North Attleboro
C. Ray Randall Corp.	North Attleboro
Kilburn Glass	Norton
Atlantic Towing	Norwell
Cannon Engineering	Plymouth
Revere Copper and Brass	Plymouth
Cordage Park	Plymouth
CM Brackett	Plympton
Provincetown Burn Dump	Provincetown
Anawam Garage	Rehoboth
Nike site	Rehoboth
Rockland Burn Dump	Rockland
Boston Whaler	Rockland
Estes Auto Supply	Rockland
Metron Engine	Rockland
One Main St./Parks Corp.	Somerset
Brookfield Engineering	Stoughton
Whitney property	Stoughton
Nubrite Paint	Taunton
Ingell St.	Taunton
Rueping East Inc.	Taunton
Taunton Silversmiths	Taunton
Ray's Donut Shop	Taunton
St. Germain Construction	Taunton
Paul Dever State School	Taunton
Taunton industrial Park	Taunton
New Taunton Courthouse	Taunton
Church Fuel and Oil	Taunton
Taunton Gas	Taunton
Decor Manufacturing	Whitman
Whitman Metal Products	Whitman





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## **DEP SELECTED CASE STUDIES**

### **Technical Assistance**

#### **American Fiber and Finishing – Colrain**

DEP has assisted the Town of Colrain and the Colrain Brownfields Task Force in undertaking site assessment and cleanup at the former American Fiber and Finishing site. The Town evaluated this 6-acre site using a \$200,000 EPA Brownfields Assessment Pilot Grant and provided information on site activities to interested residents through public meetings. DEP has provided technical assistance to the Town to keep site assessment and cleanup work progressing. A DEP project manager has been assigned to provide direct oversight of all response actions. Buildings on the site have been demolished and cleanup activities are underway.

#### **New England Log Homes – Great Barrington**

DEP is serving as part of a team led by the Town of Great Barrington to facilitate the cleanup and redevelopment of the 10-acre former New England Log Homes site. Prospective purchasers have been discouraged from purchasing the site due to dioxin contamination in soil, a floodplain location and a building on site that has been destroyed by fire. DEP, EPA, the Town, and the CDC of Southern Berkshires have been working together to address issues hindering the redevelopment of this site.

The Town has been awarded EPA site assessment funds to undertake the project. DEP has been providing extensive technical assistance to the Town and their LSP and has conducted site cleanup activities to address imminent hazards. Upon completion of cleanup activities, the project team hopes to encourage the reuse of this site as a commercial or mixed-use development.

#### **Mass 10 Truck Stop – Auburn**

DEP has been working with the Town of Auburn to facilitate the cleanup and redevelopment of the Mass 10 Truck Stop, a property that sits at a prime location at the intersection of Routes 12 and 20 in Auburn near the Mass Pike, I-290 and I-395. This property has been contaminated with VOCs and petroleum products from past truck stop activities. Using a grant from EPA, the Central Massachusetts Economic Development Authority (CMEDA) is managing assessment and cleanup of the site for the Town of Auburn. Data developed through this study will be used to provide more accurate estimates of cleanup costs for potential developers. A Request for Response (RFR) process may be used to convey the site.

#### **Fisherville Mill – Grafton**

DEP has been providing extensive technical oversight for the cleanup of the former Fisherville Mill in Grafton. This historic Blackstone Valley mill site consists of 35.15 acres and 331,800 square feet of floor space, and is part of the Blackstone Canal National Historic District. This project requires \$1 million in building improvements and \$1.7 million in site cleanup.

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A major fire destroyed the mill building that once sat on the property, and prompted EPA to remove asbestos-containing material and demolition debris. CMEDA has received \$50,000 in site assessment funding through MassDevelopment. DEP has provided state funding for remedial actions at this property over the past few years, and initiated a pilot project to bioremediate groundwater. Discussions are underway with CMEDA about issuing a Request for Response (RFR) to convey the site to interested developers.

### **Telecom City -- Malden/Medford/ Everett**

DEP has been providing technical assistance to the Mystic Valley Development Commission (MVDC) and the cities of Malden, Everett and Medford for the Telecom City Project, a telecommunications research and development park that will be developed on more than 200 acres of heavily industrialized land on both sides of the Malden River.

Using an EPA Brownfields Pilot Grant and MassHighway funds, MVDC conducted a preliminary assessment of the properties within the Telecom City boundaries and the Malden River. DEP designated the first stage of the Telecom City project as a "Special Project" under the Massachusetts Contingency Plan (MCP). This designation enables DEP to extend the deadline for tier classification submittal and establish an alternative annual compliance assurance fee schedule.

The Commonwealth has contributed approximately \$2.8 million to the project. The House and Senate passed versions of the Transportation Bond Bill of 2000 that include a \$9.6 million authorization to fund MVDC's acquisition, remediation, and preparation of Telecom City. In addition, MVDC has entered into an agreement with a private developer (Preotle, Lane, and Associates - PLA), whereby PLA will provide an additional \$22,842,975 toward acquisition, remediation, and site preparation. The first phase of the project includes improvements to the existing highway infrastructure. The Telecom City project was selected as a Brownfields Showcase Community by EPA in Fall 2000.

### **Lawrence Gateway Project – Lawrence**

DEP has been serving as part of an inter-agency Task Force that was established by the Merrimack Valley Economic Development Council, Inc. (MVEDC) to promote the revitalization of a 272-acre Merrimack Corridor in Lawrence. The group has been developing a blueprint to help guide cleanup, development and transportation decisions. DEP and the Attorney General's Office have had several discussions with property owners and prospective purchasers regarding the applicability of a CNTS to provide liability protection for entities undertaking this project.

### **Kerr Mills -- Fall River**

DEP has provided technical assistance to the University of Massachusetts Dartmouth to facilitate the cleanup and reuse of the former Kerr Mills site located in Fall River. The University plans to redevelop this old mill complex into a research and development park, and a waterfront park along the site's perimeter. The University and a number of clothing/knitting industries will finance the redevelopment of this site. Groundbreaking was held in August 2000 and construction has begun.

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### **Zeneca/ICI Americas Facility -- Dighton**

DEP has been working with EPA to encourage the reuse of the former Zeneca ICI Americas facility located in an underused area of Dighton. A number of land uses are being discussed for this site, including the Aqua Source (Bluestone) project, and a desalination effort adjacent to the Muddy Cover Brook that would treat and transfer water to the City of Brockton and other communities. Another potential use under discussion is the establishment of an aquaculture facility. The presence of infrastructure amenities, including permitted wastewater treatment plants located on site, adds to the site's redevelopment potential.

Efforts are underway to sell a portion of the site to New England Aquaculture. DEP staff have met with a Zeneca representative and the Office of the Attorney General regarding the ongoing cleanup and the possibility of Zeneca receiving a CNTS for this project.

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## **Department of Revenue**

### **Tax Changes in the Fiscal Year 2001 Budget (TIR 00-9)**

This Technical Information Release (TIR) explains several provisions contained in Chapter 159 of the Acts of 2000, "An Act Making Appropriations for the Fiscal Year 2001." (The "Act").

#### **Budgetary Provisions that affect the Personal Income Tax:**

##### **Changes to the Brownfields Credit**

Under existing law at G.L. c. 62, § 6(j), certain taxpayers are allowed a personal income tax credit for incurring eligible costs to remediate a hazardous waste site on property used for business purposes and located within an economically distressed area. The Act extends the time for incurring eligible costs that qualify for the credit and changes the limitations rules where the taxpayer has received state financial assistance. (See section II.(A) below for the applicability of the Brownfields Credit to corporations.)

Before the Act, net response and removal costs that the taxpayer incurred between August 1, 1998, and January 1, 2005, were eligible for the credit provided that the taxpayer commenced and diligently pursued an environmental response action before August 5, 2001. Under the Act, net response and removal costs that the taxpayer incurs between August 1, 1998, through January 1, 2007, are eligible for the credit provided that the taxpayer commences and diligently pursues an environmental response action before August 5, 2003. St. 2000, c. 159, § 120, amending G.L. c. 62, § 6(j)(1).

Before the Act, the credit was not allowed to taxpayers who received financial assistance from the Brownfields Redevelopment Fund established pursuant to St. 1975, c. 212, § 8G, or from the Redevelopment Access to Capital (RAC) Program established pursuant to G.L. c. 23A, § 60. Under the Act, receipt of state financial assistance does not result in failure to qualify for the Brownfields credit. However, the amount of state funds received from RAC or from the Brownfields Redevelopment Fund is deducted from the expense base for which the credit is available. Finally, with reference to RAC, the amount of state financial assistance is calculated as the amount of state funds paid on behalf of the borrower for participation in the program. Where the taxpayer has borrowed DOR Directive 00-9, Corporate Trust Parents and Qualified S Corporation Subsidiaries.

#### **Budgetary Provisions that affect the Corporate Excise:**

##### **Changes to the Brownfields Credit**

Under existing law at G.L. c. 63, § 38Q, certain taxpayers are allowed a corporate excise credit for incurring eligible costs to remediate a hazardous waste site on property used for business purposes and located within an economically distressed area. The Act extends the time for incurring eligible costs that qualify for the credit and changes the limitations rules where the

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taxpayer has received state financial assistance. (See section I.(B) above for the applicability of the Brownfields credit to taxpayers subject to the personal income tax.)

Before the Act, net response and removal costs that the taxpayer incurred between August 1, 1998, and January 1, 2005, were eligible for the credit provided that the taxpayer commenced and diligently pursued an environmental response action before August 5, 2001. Under the Act, net response and removal costs that the taxpayer incurs between August 1, 1998, through January 1, 2007, are eligible for the credit provided that the taxpayer commences and diligently pursues an environmental response action before August 5, 2003. St. 2000, c. 159, § 124, amending G.L. c. 63, § 38Q(a).

Before the Act, the credit was not allowed to taxpayers who received financial assistance from the Brownfields Redevelopment Fund established pursuant to St. 1975, c. 212, § 8G, or from the Redevelopment Access to Capital (RAC) Program established pursuant to G.L. c. 23A, § 60. Under the Act, receipt of state financial assistance does not result in failure to qualify for the Brownfields credit. However, the amount of state funds received from RAC or from the Brownfields Redevelopment Fund is deducted from the expense base for which the credit is available. Finally, with reference to RAC, the amount of state financial assistance is calculated as the amount of state funds paid on behalf of the borrower for participation in the program. Where the taxpayer has borrowed funds subject to a state guarantee in order to finance the expenses of remediation, the amount of the loan is permitted to be included in the expense base for which the credit is available. However, if the borrower defaults and the loan guarantee is invoked, any credit taken for the amount of the loan will recaptured as taxes due in the year the loan is paid. St. 2000, c. 159, § 125, amending G.L. c. 63, § 38Q(d). These provisions are effective July 1, 2000. These changes modify TIR 99-13, The Tax Credit Provisions of the Brownfields Act.

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## Department of Revenue

### **TIR 99-13**

### **The Tax Credit Provisions of the Brownfields Act**

This Technical Information Release (TIR) explains the tax credit provisions contained in St. 1998, c. 206, An Act Relative to Environmental Cleanup and Promoting the Redevelopment of Contaminated Property (Brownfields Act or Act). The Act amends G.L. c. 62, § 6 by adding subsection (j) and G.L. c. 63, by adding section 38Q. The Brownfields Act was signed into law and became effective on August 5, 1998.

#### **Overview**

Under the Brownfields Act, certain taxpayers are allowed a credit against their personal income tax or corporate excise liability for the costs incurred for an environmental response action (1) which results in either a permanent solution or remedy operation status in compliance with G.L. c. 21E.

#### **Amount of the Credit**

The amount of the credit varies according to the extent of the environmental remedy. If the taxpayer's permanent solution or remedy operation status includes an Activity and Use Limitation, then the amount of the credit is 25% of the net response and removal costs incurred by the taxpayer. However, if there is no Activity and Use Limitation, then the amount of the credit is 50% of the net response and removal costs.

#### **Taxpayers Who May Claim the Credit**

The credit is available to either a chapter 62 taxpayer or a domestic or foreign corporation taxable under chapter 63. As announced in TIR 97-8, the Massachusetts tax treatment of Limited Liability Companies (LLCs) (2) will be determined by adopting the entity's federal income tax classification. These taxpayers must be eligible persons. In addition, a taxpayer subject to any outstanding or unresolved enforcement action under G.L. c. 21E cannot claim the credit.

#### **Eligible Property**

Property is eligible for the credit if it meets the following criteria: 1) the property is owned or leased by the taxpayer for business purposes. 2) The property has been reported to the Department of Environmental Protection (DEP) pursuant to G.L. c. 21E, § 2. 3) The property is located in an Economically Distressed Area (EDA). A list of EDAs can be obtained from the Governor's Office of Brownfields Revitalization, 10 Park Plaza, Boston, MA 02116.

#### **Eligible Costs**

Net response and removal costs that the taxpayer incurs between August 1, 1998 and January 1, 2005 are eligible for the credit provided that the taxpayer commences and diligently pursues an environmental response action before August 5, 2001. However, unless the net response and removal costs are equal to or greater than 15% of the assessed value of the property prior to remediation, the costs will not be considered as eligible costs.

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### **Time for Claiming the Credit.**

The credit can only be claimed after a taxpayer achieves and maintains a permanent solution or remedy operation status. The credit is available for tax years commencing on or after January 1, 1999.

Prior to claiming the credit the taxpayer must file a Response Action Outcome (RAO) statement or Remedy Operation Status (ROS) submittal with DEP. At the time the taxpayer claims the credit, the taxpayer must attach to the tax return a copy of the RAO statement or ROS submittal cover sheet.

### **Limitations on the Credit**

There are two types of limitations on the credit: the fifty-percent limitation and the minimum excise limitation.

**Fifty-percent limitation:** For a chapter 62 taxpayer, the maximum amount of credit used for the taxable year may not exceed fifty percent of the taxpayer's personal income tax liability for the taxable year. G.L. c. 62, § 6(j)(3). For domestic and foreign corporations, the credit is subject to the fifty-percent limitation contained in G.L. c. 63, § 32C.

**Minimum excise limitation:** Domestic and foreign corporations may not use the credit to reduce the tax liability below the minimum excise imposed under G.L. c. 63.

### **Interaction with Brownfields Programs**

The credit is not allowed to taxpayers who have received financial assistance from the Brownfields Redevelopment Fund established pursuant to St. 1975, c. 212, § 8G or from the Brownfields Redevelopment Access to Capital (BRAC) Program established pursuant to G.L. c. 23A, § 60. Financial assistance includes, but is not limited to, any loans, grants or subsidies made under the Brownfields Redevelopment Fund and/or any environmental insurance premium subsidies and any guarantees of retentions from the Brownfields Redevelopment Access to Capital (BRAC) program. A taxpayer participating in the BRAC program who does not receive a premium subsidy or whose retention is not guaranteed under the program may claim the credit, provided the taxpayer is otherwise eligible for the credit.

### **Carryover**

The credit can be carried over for five years. There is no unlimited carryover for the credit, notwithstanding the provisions of G.L. c. 63, § 32C. Moreover, no credit can be carried over to a year when the taxpayer has ceased to maintain the ROS or permanent solution for which the credit was granted.

### **Recapture**

If the taxpayer ceases to maintain the ROS or permanent solution in violation of the Massachusetts Contingency Plan (MCP) prior to the sale of the property or the termination of the lease, the difference between the credit taken and the credit allowed for maintaining the remedy shall be added back as additional taxes due in the year the taxpayer fails to maintain the remedy operation status or permanent solution.

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The amount of the credit allowed for maintaining the remedy shall be equal to the original credit multiplied by a ratio of the number of months the remedy was maintained over the number of months of useful life of the property. The useful life of the property shall be the same period as that used by the taxpayer in determining depreciation deductions for federal income tax liability. The useful life for real property that is not depreciable (e.g. land) is deemed to be twelve months. The sale of the property or the termination of the lease will not require any portion of the credit to be recaptured.

## **Glossary of Terms**

For purposes of this TIR, the following terms shall have the following meanings:

Activity and use limitation, a restriction, covenant or notice concerning the use of real property which is imposed upon real property by a property owner or the Department of Environmental Protection pursuant to and in accordance with G.L. c. 21E and regulations promulgated thereunder.

Economically distressed area, an area or municipality that has been designated as an economic target area, or that would otherwise meet the criteria for such designation pursuant to G.L. c. 23A, § 3D, or the site of a former manufactured gas plant.

Eligible person, generally, an owner or operator of a site who did not cause or contribute to the release of oil or hazardous material from or at the site and did not own or operate the site at the time of the release, further defined in G.L. c. 21E, § 2.

Enforcement action, any criminal, civil or administrative action taken by or on behalf of the Commonwealth of Massachusetts, the Department of Environmental Protection (DEP) or the Attorney General for the Commonwealth to enforce or otherwise effectuate G.L. c. 21E and the Massachusetts Contingency Plan (MCP), as amended. The term "enforcement action" includes, but is not limited to, the issuance or filing of: any indictment or information, any criminal or civil complaints, notices of non-compliance, penalty assessment notices, notices of enforcement conference, unilateral or consent orders, demands for payment of past response action costs incurred by DEP, notices of intent to assess an administrative penalty, any administrative or adjudicatory proceeding to secure compliance with G.L. c. 21E, the MCP or any order or consent order pursuant thereto, notices of intent to perfect a Chapter 21E lien or the existence of a Chapter 21E lien, which lien has not been discharged.

Environmental response action, an action to assess, contain, or remove, as those terms are defined in G.L. c. 21E, § 2, oil or hazardous material, in compliance with the requirements of G.L. c. 21E and the regulations promulgated pursuant thereto.

Massachusetts Contingency Plan (MCP), Regulation 310 CMR 40.0000 et. seq. promulgated by the Commissioner of the Massachusetts Department of Environmental Protection pursuant to G.L. c. 21E for the implementation administration and enforcement of that chapter and other applicable provisions.



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Net response and removal costs, expenses paid by the taxpayer for purposes of achieving a permanent solution or remedy operation status in compliance with G.L. c. 21E and the regulations promulgated pursuant thereto.

Permanent solution, a measure or combination of measures that, at a minimum, shall ensure the attainment of a level of control of each identified substance of concern at a site or in the surrounding environment such that no such substance of concern shall present a significant risk of damage to health, safety, public welfare or the environment during any foreseeable period of time.

Remedy operation status, a response action that has eliminated a condition of any substantial hazard to public health, safety or welfare or the environment and relies upon active operation and maintenance for the purpose of achieving a permanent solution.

Remedy operation status submittal, documentation, as described in 310 CMR 40.0893, required to effect remedy operation status.

Response action outcome statement, documentation, as described in 310 CMR 40.1056, required to be submitted to DEP at the conclusion of response action.

Bernard F. Crowley, Jr., Acting Commissioner of Revenue  
BFC:DMS:lbr August 16, 1999 TIR 99-13

1. Italicized terms are defined in a glossary at the end of this Technical Information Release.
2. The Department interprets the term "limited liability corporation" used in G.L. 63, § 38Q(a) to refer to limited liability companies (LLCs).

## FEDERAL TAX DEDUCTION-QUALIFYING AREAS

Areas that qualify for the Federal Tax Deduction (including (1) Federal Enterprise Community/Empowerment Zone, (2) census tracts with 20% or more of the population below the poverty level, or (3) census tracts with a population under 2000 and 75% or more of its land area zoned industrial/commercial and adjacent to one or more census tracts with a poverty rate of 20% or more). **This criterion is for costs incurred from August 5, 1997 through December 20, 2000. For costs incurred after December 20, 2000, there is no geographic requirement.**

Amherst: 8203-8206, 8208. Barnstable: 0123. Boston: 0004-0008, 0101-0106, 0401 and 0402, 0501, 0503, 0505-0508, 0606-0608, 0610-0614, 0701 and 0702, 0704 and 0705, 0709-0712, 0801-0810, 0812-0818, 0820 and 0821, 0901-0906, 0908 and 0909, 0913-0917, 0919 and 0920, 0923 and 0924, 1001 and 1002, 1011, 1101 and 1102, 1203, 1205. Brockton: 5103-5104, 5108-5110, 5114. Cambridge: 3523 and 3524, 3539. Chelsea: 1601-1605. Everett: 3427. Fall River: 6403, 6408-6411, 6419. Fitchburg: 7105. Gardner: 7072. Grafton: 7384. Greenfield: 0414. Haverhill: 2601. Holyoke: 8114-8118. Lawrence: 2501-2507, 2509-2517. Leominster: 7093, 7096. Lowell: 3101, 3104, 3107 and 3108, 3110-3112, 3118 and 3119, 3121, 3124. Lynn: 2060-2062, 2065, 2068-2072. Methuen: 2524. New Bedford: 6507-6513, 6517-6519, 6523, 6526 and 6527. North Adams: 92 11. Northampton: 8219-8221. Northborough: 7421. Pittsfield: 9001, 9006, 9012. Quincy: 4173, 4178. Revere: 1707. Salem: 2043. Shrewsbury: 7384. Southbridge: 7573. Springfield: 8002, 8005-8015, 8017-8020, 8022. Taunton: 6132. Tewksbury: 3153. Westborough: 7384, 7421. Worcester: 7304, 7312-7321, 7324 and 7325, 7330.

**Areas may also qualify because they are in EPA Brownfields Pilot Grant Areas in these municipalities:**

Boston  
Chicopee  
Holden  
Grafton  
Lawrence  
Lowell  
Somerville  
Worcester